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OREGON SCHOOL LAWS

1909

Compiled and Annotated
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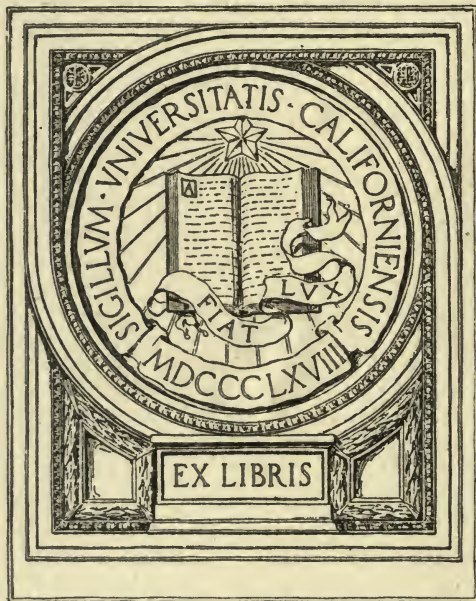
J. H. ACKERMAN

Superintendent Public Instruction



SALEM, OREGON
WILLIS S. DUNIWAY, STATE PRINTER
1909

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THE
OREGON SCHOOL LAWS

WITH
RULES AND REGULATIONS

OF THE
STATE BOARD OF EDUCATION

BLANK FORMS, ETC.

PREPARED BY

J. H. ACKERMAN
Superintendent of Public Instruction



SALEM, OREGON
WILLIS S. DUNIWAY, STATE PRINTER
1909

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PREFACE.

This compilation is made under and by virtue of the authority of an act of the Legislative Assembly of this State, of the session of 1899, and a joint resolution of the Legislative Assembly of 1909. The act referred to provides that the Superintendent of Public Instruction shall annotate and compile the school laws and that said compilation shall include all blank forms necessary to secure a uniformity of system in the administration of the schools throughout the State. This compilation embraces all the statutes now in force, including those of the special session of 1909, which in any way affect the public school system; a summary of the decisions of the Supreme Court of Oregon, and the most important decisions of the Attorney-General upon the school laws; the rules and regulations of the State Board of Education, suggestions for the use of school officers, and plans for rural school buildings.

AUTHORITY FOR THIS COMPILATION.

The Superintendent of Public Instruction shall annotate and compile all school laws ordered published by the State Board of Education; and said compilation shall include all blank forms necessary to secure a uniformity of systems in the administration of the school laws throughout the State. [Code, 3344, Sec. 6; L. 1899, p. 209, Sec. 4.]

SENATE JOINT RESOLUTION NO. 13.

Resolved by the Senate, the House concurring:

That the Superintendent of Public Instruction is hereby authorized to annotate and compile the school laws of Oregon, and the State Board of Education is authorized to order ten thousand and eighty of such annotated laws published, and when published, shall be disposed of as follows:

The Superintendent of Public Instruction may dispose of them as follows:

1. One copy to each district school officer in the State, and to each member of the Legislature.
2. Five copies to each county school superintendent in the State.
3. Five copies to each chartered educational institution in the State; and,
4. The remainder to libraries, superintendents of public instruction, colleges, etc., of other states applying to him for a copy.

Concurred in by the House February 12, 1909. C. N. McArthur, Speaker.

Adopted by the Senate February 9, 1909. Jay Bowerman, President.
Filed in the office of Secretary of State February 13, 1909.

STATE OF OREGON
Department of Education

SALEM, May 1, 1909.

To the School Officers of Oregon:

In compliance with the foregoing resolution I have annotated and compiled the School Laws of Oregon, and have caused to be sent to each of you a copy of these laws. For your convenience, I attach hereto a summary of the school legislation that was passed at the 1909 session of the Legislature. It will interest you, and should be a matter of congratulation to all those interested in the educational affairs of this State, to know that every measure in the interests of the common schools of Oregon, introduced this last session, received the careful consideration of the members, and that every bill prepared by the joint educational committee, and committee of the State Grange, was passed without opposition. I would call your particular attention to the Hawley act, which is entirely in the interests of the small rural schools, and will do much for their betterment.

J. H. ACKERMAN,
Superintendent Public Instruction.

SUMMARY OF EDUCATIONAL ACTS OF 1909.

First, the Hawley act: Every district in the State must maintain at least six months of school each year. The county court of each county must levy a tax for school purposes, that will produce an amount which will aggregate at least \$7 for each child of school age (4 to 20 years). If a district's share of this sum does not amount to \$300 then the county court must levy upon the property of such district a special tax large enough to produce the difference between such district apportionment of the county fund and \$300, provided that such special levy does not exceed a five-mill tax. If the district's share of the county school fund and the amount raised by a five-mill tax (special school tax) does not amount to \$300, then the county court must transfer from the general county fund to the special fund of such district an amount that will equal the difference. (See Section 25.)

Second, the Philpott act: This makes a change in the manner of apportioning the county and state school fund. As the law has been the county superintendent apportioned the money in October by first giving to each district \$50 and then distributing the balance according to the number of pupils in each district. This bill provides that the county superintendent shall first give to each district \$100 and then distribute the balance according to the number of children in each district. The first apportionment affected by this act will be in October, 1909. (See Section 26.)

Third, the act by Lane county delegation, providing for a county high school fund: This provides that a county at any general election may vote upon the question of creating a county high school fund. When

such fund has been created, it is placed under the control of a county high school board, consisting of members of the county court, the county treasurer, and the county school superintendent. Every high school in such county that maintains a school up to the standard prescribed by the State Board of Education is entitled to receive tuition from this fund for all pupils attending such high school. The basis of the distribution is the average daily attendance during the school year. A high school shall receive not less than \$40 per pupil for the first 20 pupils, \$30 per pupil for the second 20, and \$12 per pupil for all remaining pupils; *provided*, that the total paid any district shall not exceed the amount paid by the district to the high school teachers. (See Chapter IV. of Title II., page 106.)

Fourth, the Dodds act: This gives the county superintendent authority to make a partial apportionment of the money to any district upon the request of the board of directors of such district. (See Section 27. The reference to this section is L. 1909, p. 168, C. 108.)

Fifth, the Cole act: This declares unlawful any secret societies, including fraternities and sororities, which may now or hereafter exist in any of the public schools of this State, including high schools. It makes it the duty of each school board in the State to examine into the conditions of all schools under its charge and to suppress all secret societies therein. The act does not apply to the Oregon Agricultural College or to the State University. (See Section 68.)

Sixth, the Hart act: This act gives the board of directors of a school district of the first or second class authority to refund its bonds, at a rate of interest not greater than that borne by the original indebtedness, without a vote of the taxpayers. (See Section 103.)

Seventh, the McArthur act: The Governor shall appoint a board of five members, called the Board of Higher Curricula, whose duty it shall be to determine what courses of studies or departments shall not be duplicated in the higher educational institutions of Oregon. The secretary of the board shall keep a record of such determination and shall notify the Governor and the secretaries of the several boards of the higher educational institutions of such determination. It shall be the duty of each institution to conform thereto. Any changes that are made shall become effective at the beginning of the school year following such determination. (See Chapter 1, of Title IV., page 115.)

Eighth, the Farrell act: This affects schoolhouses by providing that the outside doors and other exits of all school buildings shall be so swung and hinged that they shall open outward. These changes must be made within six months after the time that this act takes effect. (See Section 110.)

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NOTES.

After Section 27, there should be a reference reading “[L. 1909, p. 168, C. 108.]”

Instead of the code references in Chapter 1 of Title I., pages 1 to 4, the references should be, “[L. 1903, pages 194 to 196.]”

SCHOOL LAWS.

TITLE I.

OFFICERS AND THEIR POWERS.

CHAPTER I.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

§ 1. *Superintendent of Public Instruction a Distinct Office.*

The office of Superintendent of Public Instruction in this State is hereby declared to be a separate and distinct office, and the present incumbent of said office shall hold the same during the term for which he has been elected, and until his successor is duly elected and qualified. [Code, § 3341.]

§ 2. *Election and Salary of Superintendent.*

A Superintendent of Public Instruction shall be elected at the general election of the year 1902, and every four years thereafter, and shall qualify and enter upon the duties of his office on the second Monday in January following his election. He shall receive annually a salary of \$3,000, payable by the State as the salaries of other State officers are paid. [Code, § 3342.]

§ 3. *Office of Superintendent.*

He shall be provided with an office at the State Capitol, furnished with the necessary stationery, lights, fuel, etc., to be paid for by the State as the expenses of other State officers are paid. [Code, § 3343.]

§ 4. *Duties of Superintendent.*

1. It shall be the duty of the Superintendent of Public Instruction to exercise a general superintendence of the county and district school officers and the public schools of this State.

2. He shall visit, as far as practicable, every county in the State, annually, in the interest of education.

3. He shall attend county institutes within the State and educational meetings out of the State when practicable, and shall assist in the organization and development of institute

work in each county; he shall visit, as often as practicable, the principal schools of the State for the purpose of inspection and supervision; and he shall also keep statistics of the condition of schools, buildings, grounds, appurtenances, apparatus, libraries, the conduct and standing of pupils, methods of instruction, and the discipline and government of schools, etc.

4. He shall visit in person, when practicable, all the chartered educational institutions of the State, and shall secure such statistical information relative to number of students, teachers, value of property, libraries, salaries, and courses of study, as he may deem advisable for the advancement of education and for the information of the legislature.

Shall Furnish Blanks, etc.

5. He shall prepare and distribute to the various county school superintendents in the State such a uniform series of blanks, registers, forms, rules, and regulations as he may deem necessary for the administration of the school laws; and the Secretary of State shall cause the same to be printed. County school superintendents shall receipt to the Superintendent of Public Instruction for all supplies received, and distribute the same to the various district clerks, taking their receipts for the same.

Shall Act as Secretary State Board of Education.

6. He shall act as secretary of the State Board of Education. He shall annotate and compile all school laws ordered published by the State Board of Education; and said compilation shall include all blank forms necessary to secure a uniformity of system in the administration of the school laws throughout the State.

7. He shall, whenever he may deem the same expedient, issue printed letters and circulars to school officers pertaining to any subject relative to the duties of teachers, directors, pupils, parents and guardians, the management of schools, and all other questions of general and special interest to the cause of education.

Shall Decide Cases Submitted to Him on Appeal.

8. He shall decide, without cost to the parties, all questions of doubt that may be submitted to him, and all disputes that may be appealed to him from the county superintendents, concerning the proper administration of the school laws of this State and the rules and regulations of the State Board of Education, and concerning the ministerial duties of school officers and teachers; but he may, in his discretion, submit any such question or dispute to the State Board of Education, who shall

then decide the same. The State Superintendent, or the State Board of Education, may require the opinion, in writing, of the Attorney-General concerning such questions or disputes, whose duty it shall be to give the same. The State Board of Education shall adopt reasonable rules of procedure to govern the submission of such questions, and the trials and appeals provided for in this act. The decision of the State Superintendent or of the State Board of Education, as herein provided, shall guide school officers and teachers in the discharge of their duties in respect to the matters so decided; but this section shall not be construed to deprive any person of his ordinary remedy in a court of competent jurisdiction.

In *School Dist. v. Irwin*, 34 Or. 431, 56 Pac. 413, it was held that an appeal from an order of a county school superintendent to the State Superintendent of Public Instruction is not authorized, but since this decision was rendered the law has been changed. The provision that "all disputes that may be appealed to him from county school superintendents concerning the proper administration of school laws of this State, and of the rules and regulations of the State Board of Education," etc., of subd. 8, was not contained in the former law, and this language would no doubt be construed to authorize an appeal in such cases. This is strengthened by Sec. 46 of this compilation, which provides that a county school superintendent shall "hear, examine, and decide appeals from district officers and teachers without cost to the appellants, and subject to an appeal to the Superintendent of Public Instruction."

Shall Hold State Teachers' Association.

9. He shall, once in each year, cause to be held a state teachers' association, at such time and place as in his judgment will best promote the general interests of education.

Traveling Expenses.

10. He shall make out, quarterly, a statement of the necessary traveling expenses incurred in the discharge of his duties, which claims shall be audited and paid as other claims against the State; *provided*, that such sum shall not exceed \$900 per annum; *provided, further*, that every such claim shall be verified by the Superintendent of Public Instruction, and said Superintendent of Public Instruction shall receive no other salary or fees or perquisites for the performance of any duties required by law as said superintendent or member of any board. [Code, § 3344.]

§ 5. *Biennial Reports—Subjects of.*

The Superintendent of Public Instruction shall report to the legislative assembly, biennially, in the same manner and at the same time that other State officers make their reports. His report shall contain:

1. The general condition of the public schools of the State;
2. The amount of school money apportioned among the several counties, and the sources whence such money was derived;

3. The amounts raised by county and district taxes, and the amounts paid for teachers' salaries, buildings, furniture, etc.;

4. The series of text-books authorized in accordance with the provisions of the law;

5. The rules and regulations prescribed by the state board for the government of public schools;

6. The number and grade of the schools in each county;

7. The number of persons between the ages of four and twenty years, the number attending public schools, the number attending private schools, and the number not attending any school;

8. Any and all information that in his judgment may be useful to the public, and for the advancement of the educational interests of the State. [Code, § 3345.]

CHAPTER II.

STATE BOARD OF EDUCATION.

§ 6. *State Board, How Constituted.*

The Governor, Secretary of State, and Superintendent of Public Instruction shall constitute a State Board of Education. [Code, § 3346.]

§ 7. *Meetings of—Printing for.*

The meetings of the board shall be held semiannually, at the State Capitol, on the first Monday in January and July. All needed stationery for the use of the board shall be furnished by the Secretary of State, and any printing authorized by the board shall be done by the State Printer, at rates allowed by law for other State work. [Code, § 3347.]

§ 8. *Powers Enumerated.*

The board shall have power:

Authorize Text-Books.

1. To authorize such series of text-books to be used in the public schools as shall be adopted by the text-book commission.

Prepare Course of Study.

2. To prepare a State course of studies for grammar grade schools. The Secretary of State shall cause the courses of study to be printed, and the State Superintendent shall send copies of the same to the various county superintendents, who shall properly distribute them to the boards of directors of the several districts, for use in public school work.

Prescribe Rules.

3. To prescribe a series of rules and regulations for the general government of public schools, and for the maintenance of discipline therein.

4. To use a common seal.

5. To order any printing that may be necessary to carry into effect the provisions of this act, said printing to be done by the State Printer.

Grant State Certificate and State Diploma.

6. To grant state certificates and state diplomas to such persons as are found, upon examination by the State Board of Examiners hereinafter defined, to possess a good moral character, thorough scholarship, and successful experience in teaching. The examination for state certificates and state diplomas shall be upon questions prepared by the State Board of Examiners; said questions shall be based upon the text-books adopted by the State, and shall cover all the branches required for a first grade county certificate, and, in addition thereto, algebra, book-keeping, composition, physical geography, physics, and psychology; those for state diplomas, in addition to the foregoing, botany, plane geometry, general history, and English literature.* Examinations for state certificates and state diplomas shall be conducted in accordance with the rules and regulations adopted by the State Board of Education, consistent with the laws of the State. A state certificate shall authorize the holder thereof to teach in any public school in the State for five years thereafter, and the state diploma shall confer a like authority for life. State certificates shall be granted to such applicants only who have had thirty months' teaching experience with approved success, at least nine of which shall be in the schools of Oregon, and who shall make an average of eighty-five per cent in all the branches herein prescribed, and shall not fall below seventy per cent in any one branch. State diplomas shall be granted to such applicants only as have had at least sixty months' teaching experience with approved success, fifteen of which shall have been in the schools of Oregon, and shall have made an average of eighty-five per cent in all the branches herein prescribed, and shall not fall below seventy per cent in any one branch. Any applicant for a state certificate or a state diploma who shall attain the required percentages in one or more of the designated branches, but shall fail in one or more of such branches, shall be credited with such required percentages, and shall be allowed to complete the examinations in the remaining branches at the two following examinations, and shall then

*NOTE: English literature is now required for a State certificate, leaving only three additional subjects for a State diploma.

receive a state certificate or state diploma, in accordance with the result of all the examinations. [Code, § 3348.]

§ 9. *Fee for Certificate and Diploma, How Used.*

Applicants for a state certificate shall pay \$4, and for a state diploma \$6, which fee shall be paid by the Superintendent of Public Instruction, within thirty days, to the State Treasurer, taking his receipt therefor. All moneys so received by the State Treasurer shall be credited to the state board of examiners' fund. For the purpose of defraying the expenses of the State Board of Examiners for preparing questions and examining papers for state certificates and state diplomas, the State Board of Education shall draw an order on the State Treasurer for such sums as may be necessary to defray such expenses; *provided*, that such sums shall not exceed the amount of the state board of examiners' fund in the state treasury. [Code, § 3349.]

§ 10. *State Board of Examiners.*

The State Board of Education shall appoint not less than four nor more than nine professional teachers to assist in the examinations for State papers, who shall be known as the State Board of Examiners, and the said teachers shall receive \$5 per day while engaged in their duties. [Code, § 3350.]

§ 11. *Examination Papers from Other States—Permits to Teach.*

The State Board of Education may, at its discretion, grant, without examination, state certificates and state diplomas to persons presenting authenticated papers from other States of grade and kind like those granted by the State Board of Education in this State; *provided*, that the State Board of Education is satisfied that said papers were secured by passing an examination equivalent to that given by the State Board of Education of this State for state papers; *provided*, that the State Board of Education may, at its discretion, grant a permit for one year to persons who hold papers of the grade and kind equivalent to a state certificate, but have not had the requisite amount of teaching experience in Oregon to secure a state certificate. A permit granted by the board shall authorize the holder to teach in any public school in the State. Applicants for state certificates and state diplomas must present certificates of good moral character, and that they have taught successfully in their several counties, from the county superintendents of all the counties in which the applicant has taught for three years immediately preceding the time of making such application; but the state board, if otherwise satisfied as to the qualifications of said applicant, may

grant the certificates or diplomas without certificates from the county superintendents. All persons holding such diplomas or certificates, before engaging to teach in any public school in this State, shall present such diploma or certificate to the superintendent of the county in which the holder proposes to teach, to be registered by the superintendent; and such holders of diplomas and certificates, while they remain in such county, shall attend institutes, assist in institute work, and perform such other reasonable duties as may be required by the county superintendent, the same as other teachers of the county are required to do. [Code, § 3351.]

§ 12. *Certificates for Special Teachers.*

Upon the application of any board of directors the State Board of Education may, at its discretion, issue certificates without examination to teachers in music, languages other than English, drawing and painting, manual training and penmanship, which certificate shall entitle the holder thereof to teach the subject therein named in any school of the district under the control of said board of directors, unless revoked for cause. The State Board of Education, before issuing the same, shall receive satisfactory evidence of the applicant's fitness to teach the subject named in the certificate. [L. 1905, p. 367, § 4.]

§ 13. *Revocation of Teacher's Certificate—Course of Study in High Schools.*

The State Board of Education may revoke any certificate or diploma granted by it on the proof presented by a county board of examiners that the holder has been guilty of gross negligence, or incompetency, or immorality, rendering him unfit to be a teacher; but before any revocation shall be made, the person accused shall have due and reasonable notice of the nature of the charge against him, and shall have an opportunity to be heard in person and by counsel, and to produce any witnesses whose testimony he may desire. The State Board of Education shall also prepare a course or courses of study suitable to be pursued in high schools in districts of the second and third class having high schools therein. [Code, § 3352.]

§ 14. *Diplomas Equivalent to Teaching Experience.*

The following diplomas shall be considered equivalent to the teaching experience required for a state certificate:

1. Diplomas from the regular state normal schools;
2. Diplomas from any normal schools in the State whose requirements for admission and graduation, including training school experience, are equal to that of the best Oregon

state normal schools, as determined by the State Board of Education;

3. Diplomas from any chartered institutions of this State of collegiate or university grade, granted upon the completion of a course consisting of at least five years' work above the eighth grade of the public school system of this State, on the basis of twenty recitations per week and thirty-two weeks per year, the State Board of Education being the judge of the standard of such schools; *provided*, that this section shall not be so construed as to permit the issuance of any state certificate or state diploma without the examination provided for in subdivision 6 of Section 8; *provided, further*, that no certificate shall be issued under the provisions of this section to any person who is not twenty-one years of age.

4. Holders of state certificates granted under the provisions of this section may become candidates for a state diploma when they have taught thirty months with approved success from the date of their certificate; *provided*, that this section shall not be so construed as to prevent the issuing of state diplomas to the pupils of state normal schools and chartered institutions who may graduate from such institutions before September 1, 1899, under the provisions of acts in force February 1, 1899. [Code, § 3353.]*

§ 15. *Publication of Proceedings.*

The proceedings of each session of the State Board of Education shall be published for general distribution, containing in addition to the ordinary proceedings, the names of the successful applicants and the certificates granted. [Code, § 3354.]

CHAPTER III.

COUNTY SCHOOL SUPERINTENDENT.

§ 16. *County Superintendent—Election—Terms of Office.*

There shall be elected by the legal voters of each county at the biennial election in the year 1900, and every four years thereafter, a county school superintendent, who shall take his office on the first Monday in August following his election.

*NOTE: (a) The State Board of Education is empowered to issue state life diplomas to all persons who graduated from the state normal schools or chartered educational institutions in Oregon, before September 1, 1899, when they have complied with all the conditions set forth in the acts in force, February 1, 1899. See Sections 343 and 344 of this codification.

(b) It has been ruled by the State Board of Education that all persons who hold state diplomas issued prior to February 1, 1899, are entitled to state life diplomas, when they have complied with all the provisions of the acts in force February 1, 1899.

He shall hold his office for four years, and until his successor is chosen and qualified; but the present office of the county superintendent of schools is not affected by this section until the election in 1900. No person shall be eligible to the office of county school superintendent who has not, at the time of his election or appointment, taught in the schools of the State at least nine school months, and who does not hold a first grade county certificate, a state diploma, or a state certificate in Oregon; and no county clerk shall place the name of a candidate for the office of county school superintendent on an official ballot unless said candidate shall furnish proof to such county clerk that said candidate has taught in the State for nine school months and also holds one of the certificates as provided for in this act. [Code, § 3355.]

§ 17. *Oath of Office.*

The superintendent-elect shall qualify on or before the first Monday in August, by taking an oath to support the Constitution of the United States and the State of Oregon, and to faithfully discharge the duties required of him by this act; said oath shall be reduced to writing, subscribed to, and placed on file in the county clerk's office of his county. [Code, § 3356.]

§ 18. *Salaries of Superintendents.**

Baker County—From and after the passage of this act the school superintendent of Baker County, Oregon, shall be allowed and paid an annual salary of \$1,500 per year, which salary shall be paid by Baker County, Oregon. [L. 1905, p. 100, C. 39.]

Benton County—The salary of the county school superintendent of Benton County shall be \$800 per annum, to take effect on the first Monday in August, 1908. [L. 1905, p. 122, C. 58.]

Clackamas County—The county superintendent of Clackamas County shall receive as compensation for his services an annual salary of \$1,000, payable in the same manner as the salaries of other county officers are paid, and he shall receive no other compensation whatever. [Code, § 3357.]

Clatsop County—The county school superintendent of Clatsop County, Oregon, shall receive an annual salary of nine hundred dollars (\$900), payable in the same manner as the salaries of other county officers are paid. [L. 1909, p. 72, C. 31.]

Columbia County—The county school superintendent of Columbia County shall receive nine hundred dollars (\$900)

*NOTE: Section 3357 of the Code fixes the salaries of all of the county school superintendents, but in giving this section the counties for which amendments have been made since the publication of Bellinger and Cotton's Codes and Statutes of Oregon are omitted, and the amendments inserted.

per annum; *provided*, he shall not engage in teaching during his term of office. [L. 1903, p. 142, § 1.]

Coos County—The county school superintendent of Coos County, Oregon, shall receive as compensation for his services an annual salary of one thousand two hundred dollars (\$1,200), to be paid in like manner as the salaries of the other officers of the county. [L. 1907, p. 439, § 1.]

Crook County—The salary of the county school superintendent of Crook County, Oregon, shall be one thousand dollars (\$1,000) per annum. [L. 1907, p. 34, C. 26.]

Curry County—The county school superintendent of Curry County [Oregon], shall receive an annual salary of four hundred dollars (\$400). [L. 1903, p. 150, § 2.]

Douglas County—The school superintendent for Douglas County, Oregon, shall receive an annual salary of twelve hundred dollars (\$1,200). [L. 1905, p. 177, C. 94.]

Gilliam County—The county superintendent of Gilliam County, Oregon, shall receive as compensation for his services an annual salary of five hundred dollars (\$500), payable in the same manner as the salaries of other county officers are paid, and shall receive no other compensation whatever. [Code, § 3357.]

The salary of the county school superintendent of Gilliam County shall be one thousand dollars (\$1,000) per annum. [L. 1909, p. 188, § 1.]

NOTE: This act is to be voted upon by the legal voters of Gilliam County at the general election in November, 1910, and, if approved, will go into effect January 1, 1911.

Grant County—The county superintendent of Grant County, Oregon, shall receive as compensation for his services an annual salary of seven hundred dollars (\$700), payable in the same manner as the salaries of other officers are paid, and shall receive no other compensation whatever. [Code, § 3357.]

Harney County—The county superintendent of Harney County, Oregon, shall receive as compensation for his services an annual salary of five hundred dollars (\$500), payable in the same manner as the salaries of other officers are paid, and shall receive no other compensation whatever. [Code, § 3357.]

Hood River County—The county school superintendent of Hood River County, Oregon, shall receive an annual salary of four hundred dollars (\$400). [L. 1909, p. 40, § 8.]

Jackson County—The county superintendent of Jackson County, Oregon, shall receive as compensation for his services an annual salary of one thousand dollars (\$1,000), payable in the same manner as the salaries of other officers are paid, and shall receive no other compensation whatever. [Code, § 3357.]

Josephine County—The county school superintendent of Josephine County shall receive for his services a salary of six hundred dollars (\$600) per annum. [L. 1903, p. 25, § 1.]

Klamath County—The county school superintendent of Klamath County shall receive as compensation for his services, an annual salary of one thousand two hundred dollars (\$1,200), payable in the same manner as the salaries of other county officers are paid. [L. 1907, p. 33, C. 24, as amended by L. 1909, p. 475, C. 228.]

Lake County—The county superintendent of Lake County, Oregon, shall receive as compensation for his services an annual salary of seven hundred dollars (\$700), payable in the same manner as the salaries of other county officers are paid, and shall receive no other compensation whatever. [Code, § 3357.]

Lane County—(a) The county school superintendent of Lane County, Oregon, shall receive as compensation for his services an annual salary of twelve hundred dollars (\$1,200), payable in the same manner as the salaries of other county officers are paid, and shall receive no other compensation whatever. [Code, § 3357.]

(b) The county school superintendent of Lane County shall receive as compensation for his services, an annual salary of one thousand five hundred dollars (\$1,500), payable in the same manner as the salaries of other county officers are paid. [L. 1909, p. 185, C. 123.]

NOTE: This act, subdivision b, does not take effect until the expiration of the term of office of the present incumbent.

Lincoln County—The county superintendent of Lincoln County, Oregon, shall receive as compensation for his services, an annual salary of five hundred dollars (\$500), payable in the same manner as the salaries of other county officers are paid, and shall receive no other compensation whatever. [Code, § 3357.]

Linn County—From and after the taking effect of this act the salary of the school superintendent of Linn County, Oregon, shall be twelve hundred dollars (\$1,200) per annum. [L. 1909, p. 114, § 1.]

Malheur County—The county school superintendent of Malheur County shall receive an annual salary of nine hundred dollars (\$900). [L. 1903, p. 144, § 1.]

Marion County—The salary of the school superintendent of Marion County shall be one thousand dollars (\$1,000) per annum. [Code, § 3358.]

Morrow County—The salary of the school superintendent of Morrow County shall be twelve hundred dollars (\$1,200) per annum. [L. 1909, p. 62, C. 18.]

Multnomah County—(a) The county school superintendent of Multnomah County shall receive a salary of two thousand five hundred dollars (\$2,500) per annum.

(b) This act shall take effect from and after July 2, 1908. [L. 1907, p. 435, C. 249, § 3.]

Polk County—The county school superintendent of Polk County, Oregon, shall be allowed and paid an annual salary of one thousand two hundred dollars (\$1,200) per year, which salary shall be paid by said county of Polk. [L. 1909, p. 62, C. 17.]

Sherman County—The county school superintendent of Sherman County, Oregon, shall receive as compensation for his services an annual salary of one thousand dollars (\$1,000), to be paid in like manner as the salaries of the other officers of the county. [L. 1909, p. 63, C. 19.]

Tillamook County—The salary of the school superintendent of Tillamook County shall be six hundred dollars (\$600) per annum, and said salary shall be in lieu and in the place of any other salary now provided by law for such officer. [L. 1905, p. 85, C. 23.]

Umatilla County—The salary of the school superintendent of Umatilla County shall be one thousand eight hundred dollars (\$1,800) per annum. [L. 1907, p. 17, C. 7.]

Union County—The salary of the county school superintendent of Union County shall be one thousand six hundred and fifty dollars (\$1,650), and no more. [L. 1907, p. 440, C. 259.]

Wallowa County—The salary of the county school superintendent of Wallowa County shall be one thousand dollars (\$1,000) per annum. [L. 1907, p. 112, C. 59.]

Wasco County—(a) The county school superintendent of Wasco County, Oregon, shall receive as compensation for his services an annual salary of one thousand four hundred dollars (\$1,400), payable in the same manner as the salaries of other county officers are paid, and shall receive no other compensation whatever. [Code, § 3357.]

* (b) The county school superintendent of Wasco County shall receive an annual salary of twelve hundred dollars (\$1,200), and in addition thereto he shall be allowed necessary expenses not to exceed the sum of two hundred dollars (\$200) per annum. [L. 1909, p. 206, C. 140.]

Washington County—From and after the first day of July, 1907, the salary of the county school superintendent of Washington County, Oregon, shall be the sum of nine hundred dollars (\$900) per annum, to be paid in the same manner as other county officers are paid. [L. 1907, p. 39, C. 33.]

*NOTE: Subdivision *b* does not apply until the expiration of the end of the elective term of the present incumbent.

Wheeler County—The county school superintendent of Wheeler County, Oregon, shall receive an annual salary of four hundred dollars (\$400), payable in the same manner as the salaries of other county officers are paid, and shall receive no other compensation whatever. [Code, § 3357.]

Yamhill County—The county school superintendent of Yamhill County, Oregon, shall receive as compensation for his services an annual salary of one thousand and two hundred dollars (\$1,200), to be paid in like manner³ as the salaries of the other officers of the county. [L. 1909, p. 63, C. 20.]

§ 19. *County Superintendent Shall Visit Schools—Traveling Expenses.**

1. The county superintendent shall visit the schools taught in his county at least once every year, and seek to aid, instruct, and inspire teachers to employ the best methods in teaching, governing, and conducting their schools; and he shall, if necessary, secure the proper classification of pupils, enforcement of course of study, and the care and protection of school property; and he shall make out, quarterly, a statement of the necessary traveling expenses incurred in the discharge of his duties, which claims shall be audited and paid as other claims against the county; *provided*, that such sum shall not exceed \$200 per annum; *provided*, that this shall not apply to Umatilla County; *and provided further*, that in those cases where provision is already made by law for the payment of traveling expenses of the county school superintendent nothing additional shall be paid the said superintendent under the provisions of this section. [L. 1907, p. 201, § 22.]

2. The county school superintendent of Baker County shall make out quarterly a statement of the necessary traveling expenses incurred in the discharge of his duties, which claim shall be audited and paid as other claims against the county; *provided*, that such sum shall not exceed \$400 per annum. [L. 1907, p. 61, C. 50.]

3. The school superintendent of Benton County, Oregon, shall be allowed for annual traveling expenses the sum of one hundred and fifty dollars (\$150), or so much thereof as may be necessary. [L. 1907, p. 114, § 6.]

§ 20. *Clerical Assistance.*

1. The county superintendent of Baker County shall make out quarterly a statement of the necessary expenses incurred

*NOTE: A county school superintendent who does not reside at the county seat is entitled to traveling expenses while attending to his official duties at the county seat, the same as elsewhere. (Report of Attorney-General, 1906-08, p. 190.)

The expenses of a county school superintendent, while attending the annual county school superintendents' convention, may be paid out of the allowance made by law for the superintendent's expenses, but cannot be paid out of any allowance for office supplies. (Report of Attorney-General, 1906-08, p. 162.)

for clerical assistance in his office, which claim shall be audited and paid as other claims against the county; *provided*, that such sum shall not exceed \$200 per annum. [L. 1907, p. 61, § 2.]

2. The county school superintendent of Douglas County is hereby authorized to employ a clerk to assist him in the performance of his duties. The duration of time said clerk shall be so employed and his compensation when so employed shall be determined and fixed by the county court of Douglas County, Oregon, but such compensation shall not exceed \$300 in any one year. [L. 1907, p. 26, C. 16.]

3. (a) The county school superintendent of Lane County may, at his discretion, employ a stenographer or clerk and shall be allowed the sum of three hundred dollars (\$300) per annum in payment for the services of such clerk or stenographer and no more; any claim for the services of such clerk or stenographer shall be certified to by the county school superintendent and shall be paid by the county court out of the general fund of said Lane County. [L. 1907, p. 59, C. 48.]

(b) The county school superintendent of Lane County may, at his discretion, employ a stenographer or clerk and shall be allowed the sum of five hundred dollars (\$500) per annum in payment for the services of such clerk or stenographer and no more; any claim for the services of such clerk or stenographer shall be certified to by the county school superintendent and shall be paid by the county court out of the general fund of said Lane County. [L. 1909, p. 186, C. 123.]

NOTE: This act, subdivision *b*, does not take effect until the expiration of the term of office of the present incumbent.

4. The county school superintendent of Linn County, Oregon, may at his discretion employ a stenographer or clerk at a salary not exceeding \$300 per annum. [L. 1909, p. 114, C. 66.]

5. The county school superintendent of Marion County may, at his discretion, employ a clerk or stenographer, and shall be allowed the sum of three hundred dollars (\$300) per annum in payment for the services of such clerk or stenographer. Any claim for the service of such clerk or stenographer shall be certified to by the county school superintendent and shall be paid by the county court out of the general fund of said Marion County. [L. 1909, p. 112, C. 64.]

§ 21. *Official Bond of County Superintendent.*

He shall, before he enters upon the discharge of his duties, give to the county court an official bond, in such sum as the county court may direct, conditioned that he will faithfully and honestly perform all the duties required of him by this act. [Code, § 3359.]

§ 22. *District Boundary Board Shall Establish School Districts.*

1. The superintendent and the county court, or the board of commissioners in counties where this board is a separate body, shall constitute a board for laying off his county in convenient school districts, such board to be styled the district boundary board. Said board shall make alterations and changes in the same when petitioned so to do, in the manner hereinafter specified; and the superintendent shall make a record showing the boundaries and numbers of all the districts in his county so established and organized. The county judge shall be *ex officio* chairman of said board, and the superintendent *ex officio* secretary; except, where the board of county commissioners is a separate body, the chairman of the board shall be chairman. The superintendent and two members of the county board shall constitute a quorum for the transaction of business.

2. When the district boundary board shall have established a new district, the superintendent shall notify, in writing, three of the petitioners in said district, who petitioned therefor, giving in said notice the number and boundaries thereof; and when alterations are made by said board the superintendent shall notify immediately, in the manner aforesaid, the directors of all the districts concerned.

3. Whenever the district boundary board shall establish a new district or change the boundaries of existing districts, such establishment or change shall be made so as to keep all the territory, embraced in any corporate city or village, in one school district, but the district boundary board may include in any such school district territory not within such corporate boundaries; and said boundary board is hereby authorized to change, without the presentation of a petition, boundaries of any school district or districts so that all the territory embraced in a corporate city or village shall be in one district. [L. 1907, p. 193, § 1, 2, 3.]

§ 23. *Disposition of Property of Lapsed Districts.*

Whenever any duly organized school district within this State shall for any reason cease to maintain a public school for two years from any annual school meeting, or when such district shall for two years cease to contain at least six children of school age, then all moneys in the hands of the district clerk or board of directors of said district shall be turned over to the district boundary board of the county in which such district is situated, which said district boundary board shall also take charge of the school house or school houses and other property of said district; and it shall be the duty of said district boundary board to take care of said moneys and other

property of said district for the term of three years thereafter, and if, during that time, said district shall maintain a public school therein as provided by law, and shall contain at least six children of school age, then said boundary board shall surrender said moneys and other property to the legal directors of said district. If, however, said district fails to so maintain a school within said three years, or if, at the end of said three years, there should not be at least six children of school age residing in said district, then said district boundary board shall sell the property of said district at public auction for the best price it can obtain, in the same manner as personal property or real estate is sold on execution, and give a bill of sale or execute a deed for the same, as the case may be, and shall apply the proceeds of such sale and also any moneys of said district which may be in the charge of said district boundary board to the satisfaction of any debts of said district, other than bonded indebtedness, and if any sum remains thereafter, shall pay the same to the county treasurer, who shall place the same to the credit of the county school fund of said county; and said school district shall then become disorganized and the territory embraced therein shall be considered and treated the same as other unorganized territory within the county; *provided*, that if, at any time within the three years above mentioned, the territory embraced in said district shall be annexed to one or more adjoining districts, then the district boundary board shall proceed at once to sell said property and apply the proceeds of said sale and also any moneys of said district which may be in the charge of said district boundary board to the satisfaction of the debts of said district, other than bonded indebtedness, and, if any sum remains thereafter, shall divide the same among the districts to which said territory has been annexed in proportion to the last assessed valuation of the various portions so annexed; *provided further*, that, if such district should be a joint district, the moneys, schoolhouse or schoolhouses, and other property of said district shall be controlled by the district boundary board of the county in which the schoolhouse is located, and when the property has been disposed of, as provided for in this section, the net proceeds shall be apportioned between the counties concerned in proportion to the assessed valuation of the parts of the counties contained in such joint district. [L. 1907, p. 194, § 4.]

§ 24. *District Boundary Board May Condemn Real Property.*

1. Whenever it may be necessary for any school district in this State to acquire any real property for schoolhouse site or other necessary purposes, and the owner of said real

property and the board of directors of said school district can not agree upon the price to be paid therefor, and the damage for the taking thereof, if any, the district boundary board of the county in which such real property desired for school purposes lies, may and is hereby authorized, upon written request from the board of directors of such school district, to commence and prosecute in the circuit court for said county the same as other actions or suits are brought, in the name of such school district, any necessary or appropriate suit, action or proceeding for the condemnation of said real property so required for said purposes, and for the assessment of the value and the damage for the taking thereof; and the district attorney of the judicial district in which such property to be condemned lies, shall act as attorney for said district boundary board in all proceedings in the circuit court, as in other causes in which the State or county is a party or interested. The procedure in said suit, action or proceeding shall be, as far as applicable, the procedure provided for in and by the laws of this State for the condemnation of land or rights of way by public corporations or quasi-public corporations for public use or for corporate purposes.

2. The expenses of such condemnation proceedings, and the value of such real property and the damage [for] the taking thereof, shall be paid by the school district for which the real property is condemned in the same manner as other expenses for like purposes are paid. [L. 1905, p. 125, § 1, 2.]

§ 25. *County School Fund—Term of School—Minimum Length.*

1. For the purpose of creating a county school fund, the county court of the several counties of this State are hereby required to levy, at the same time they levy other taxes, a tax for school purposes upon all the taxable property of the county, which shall aggregate an amount which shall produce at least \$7.00 per capita for each and all the children within the county between the ages of four and twenty, as shown by the then preceding school census, which shall be collected at the same time, in the same manner, and by the same officers, as other taxes shall be collected; *provided*, that the per capita amount so levied in any county shall not be less than the per capita amount of the school tax levied in the county for the year 1903.

2. In case a district does not levy a special tax of at least five mills on the dollar for maintenance for the ensuing year, or that will produce an amount sufficient to give the district for such maintenance the difference between three hundred dollars and the amount received from the county school fund, as provided for in subdivision 1, of Section 25, or fails to report the same to the county clerk and county school superin-

tendent, as required in subdivision 4, Section 25, it shall be the duty of the county court of the county in which said district is located to levy, at the same time it levies other taxes, a tax on all the taxable property of said district that will produce an amount sufficient to give to the district for maintenance for the ensuing year the difference between three hundred dollars and the amount received, or to be received, by said district for the ensuing year, from the county school fund as provided for in subdivision 1, Section 25; *provided*, that such levy by the county court shall not exceed five mills on the dollar.

3. In case the amount apportioned to any school district from the county school fund, provided for in subdivision 1, Section 25, and the special district school tax provided for in subdivision 2, Section 25, do not amount in the aggregate to the sum of three hundred dollars, the county court of the county in which such district is located shall, on the first Monday in October of each year, transfer from the general fund of the county to the special school tax fund of such district such an amount as may be necessary to make said sum of three hundred dollars. The county court shall include in its annual tax levy for county purposes a sufficient amount to meet the requirements of this section.

4. It is hereby made the duty of all school clerks to report to their respective county clerks, and also to their respective county superintendents, on or before December 10, of each year, the amount of tax levied by their respective districts for maintenance; and also the amount of tax levy made by their districts for other purposes; and it is hereby made the duty of the county clerk to enter such levies on their tax rolls.

5. The county superintendent shall, on the third Monday in December of each year, make the estimates to meet the requirements of subdivision 2, Section 25, and report the same to the county court; and, he shall, also on the third Monday in December of each year, make the estimates to meet the requirements of subdivision 3, Section 25, and report the same to the county court.

6. In the case of a joint district, the amount of tax to be levied as required by subdivision 2, Section 25, and the amount to be transferred as required by subdivision 3, Section 25, shall be in such ratio to the whole amount to be levied or transferred for such district as the assessed valuation of such district lying within the county bears to the assessed valuation of the whole district.

7. Districts shall not be entitled to their proportion of the county school fund at the disposal of the county superintendent, unless they shall report to him within fifteen days after the annual school meeting, and shall have had a school

taught in their districts at least six months in each school year; *provided*, that a new district shall not be required to have a school taught, as aforesaid, for the space of one year from the date of its organization.

The provisions of this section shall first apply to the school year beginning June 20, 1909, and ending June 17, 1910. [L. 1909, p. 191, C. 128.]

§ 26. *Apportionment of School Fund.*

The county school superintendent shall make an apportionment of the entire school fund then in the county treasury on the first Monday in October of each year, and at such other times during the year as he may deem advisable. The county school fund, collected in pursuance of the school tax levied by the county court, shall be apportioned in the following manner: In October he shall apportion \$100.00 to each district in his county that has reported to him as required by law. At the same time he shall apportion to each district in his county \$5.00 for each teacher employed by such district during the twelve months immediately preceding such apportionment who has attended, for a period of at least sixteen hours, an annual county institute or state teachers' association held during the twelve months immediately preceding the time of making such apportionment. The county superintendent shall take as evidence that such district has employed a teacher or teachers who have attended an institute or association, as above described, a certificate properly signed by the secretary of such institute or association, or a certified copy thereof. It is hereby made the duty of such teacher to file with the clerk of such district a certificate, or copy thereof, as hereinbefore provided, and it shall be the duty of said clerk to file said certificate, or copy thereof, with the school superintendent of his county; *provided*, that the county school superintendent shall not credit a district with a greater number of such certificates than the whole number of rooms in operation in such district at any one time during the year. The balance of the county school funds thereafter remaining in the treasury, and any amount of such funds to be apportioned at any other time, shall be apportioned among the several districts in his county that have reported to him as required by law, in proportion to the total "number of children resident in each district between the ages of four and twenty years," as shown by the clerk's last annual report. If, at the time for making the apportionment in October, there shall not be sufficient of the county school fund to make the required \$100.00 to each district and the \$5.00 for each teacher employed, as hereinbefore provided, he shall apportion the whole amount of such fund,

in equal sums among the several districts which have reported as required by law; and as soon thereafter as there is a sufficient amount of the county school funds on hand for that purpose, he shall apportion to each district such a sum as will make up the required \$100.00 and \$5.00 for that year. In the case of joint districts, the sum of \$100.00 herein required to be paid to each school district in a county before any part of the county school fund is otherwise apportioned; said \$100.00 shall be paid to said joint district by the counties in which it lies in proportion to the total number of children of school age resident in each district between the ages of four and twenty years, as shown by the clerk's last annual report; and the \$5.00 each for teachers employed, as hereinbefore provided, shall be paid in equal proportions by each of the counties in which such district lies. On the first Monday of October of each year he shall apportion the common or irreducible school fund among the several districts in his county, in proportion to the number of children resident therein between the ages of four and twenty years. As soon as he shall have made any of the apportionments provided for in this Section, he shall draw warrants on the county treasury in favor of the districts for their respective shares, and transmit the same to the clerks thereof; *provided*, that the superintendent shall not issue or transmit any such warrant to the clerk of any district until the clerk's bond shall have been received, examined, and approved by the county school superintendent, and filed by him in his office as a part of the records thereof. The basis of all apportionments shall be the last annual reports of the several district clerks on file in his office at the time of making such apportionments. [L. 1909, p. 179, C. 116.]

§ 27. *Partial Apportionment.*

A county superintendent may, upon the written request of any district school board, make a partial apportionment to any district of any money due it at the time of making a regular apportionment, and apportion the remainder at the

A county school superintendent can not be compelled by mandamus to make apportionment of the school fund among several districts of a county until such districts, or at least some of them, have reported as required by law; nor unless it is made to appear that there are some funds in the treasury available for that purpose. (*Booth v. Bryan*, 26 Or. 502, 38 Pac. 618.)

A school district has no vested right to the money arising from the levy of the county school tax, or interest on the irreducible state fund, until the money has been segregated and apportioned to the districts; but it has an inchoate right to the fund, and by mandamus may compel the division thereof by apportionment based on the annual census of the school clerk; but mandamus will not lie to compel a county treasurer to pay the amount apportioned to a new school district formed by division of an old one, where the alternate writ fails to show the number of children in both districts, and it does not appear that the number of children in the new district were originally enrolled and enumerated in the original district. (*School Dist. v. Lambert*, 28 Or. 221, 42 Pac. 221.)

next regular apportionment; but no such partial apportionment shall be made in any way that will result in such district not applying at least 85 per cent of the amount received each school year on teachers' salaries as required by law.

✓ § 28. *Percentage of Tax Applied to Salaries.*

1. In all districts at least eighty-five per cent of the amount received from the county school tax and the irreducible school fund shall be applied on the teachers' salaries, and no part of said eighty-five per cent shall be applied for fuel, expense of lawsuits, chalk, brooms, blackboards, erasers, stoves, or other apparatus necessary for the use of schools, nor for repairs or furnishing schoolhouses, nor in paying interest or principal on bonds issued by the district; *provided*, that should any district fail to apply at least eighty-five per cent, received from the county school tax and the irreducible school fund, on teachers' salaries, the unexpended balance shall revert to the general county school fund of the county, and the clerk of said school district shall report the amount of said unexpended balance in his first annual report thereafter to the county superintendent, who shall place the said unexpended balance to the credit of the county school fund and charge the same to said district as a part of the first succeeding year's apportionment thereafter. [L. 1907, p. 27, C. 18.]

§ 29. *Shall Open an Account With County Treasurer.*

The county superintendent shall keep a book in which he shall open an account with the treasurer of his county; also, with the several districts. He shall charge the treasurer with all the school funds going into his hands, and when the treasurer shall present to him the district clerks' receipts, he shall credit the treasurer with the amount. When the superintendent shall have made any apportionment of the school funds, he shall credit each district with the amount set apart to it, and on receiving the receipt of a clerk of a district from the treasurer, he shall charge the amount to such district. [L. 1907, p. 196, § 6.]

§ 30. *Provisions for County Certificates.*

In every examination held hereafter any applicant for a second or third-grade certificate shall be examined in the following branches: Orthography, reading, writing, written arithmetic, English grammar, geography, United States history, theory of teaching, physiology and hygiene, civil government, and Oregon school law, and the examination for a first-grade certificate shall cover all the branches required for a second-grade certificate and in addition thereto, English

literature and physical geography; *provided*, that no applicant shall be required to take the examination in English literature or physical geography before February 1, 1908. [L. 1907, p. 197, § 7.]

§ 31. *Board of Examiners—How Constituted.*

In each county there shall be a board of county examiners, composed of the county superintendent, who shall be *ex officio* chairman, and two competent persons, appointed by the county superintendent for such time within the term of his office as he may designate; *provided*, that where conditions require it the county superintendent may appoint more than two persons as members of said board. Each member of said board, two of whom shall constitute a quorum, shall receive the sum of \$5 a day, except the county school superintendent, for the time actually employed. Any claim for compensation for services under this act shall be certified to by the board and audited by the county court, and paid out of the general fund of the county. [L. 1907, p. 197, § 8.]

§ 32. *Revocation of County Certificates.*

The county board of examiners, or any authority authorized to grant teachers' certificates or diplomas, may revoke any such certificate or diploma on the proof that the holder thereof has been guilty of gross negligence of duty, or for incompetency, or immorality; but no certificate or diploma shall be revoked except by the authority granting said certificate or diploma, but the county board of examiners shall report to the authority granting said certificate or diploma the fact that it should be revoked, giving its reason therefor; *provided*, that before the county board of examiners shall revoke any such certificate or notify the authority granting such certificate or diploma that said certificate or diploma should be revoked, the person accused shall have due and reasonable notice of the nature of the charge against him, and shall have an opportunity to be heard before said board of examiners in person and by counsel, and to produce any witnesses he may desire, and when the State Board of Education shall have been notified of the fact that said certificate or diploma should be revoked, no revocation shall be made by said board until the person accused shall have an opportunity to be heard before the State Board of Education, in person and by counsel, but no evidence shall be considered by said board except that produced before the county board of examiners. [L. 1907, p. 197, § 9.]

§ 33. *Time of Examination.*

Commencing at 9 o'clock on the second Wednesday of the months of February and August, and continuing three days, the board of examiners for each county shall hold a public examination of applicants for teachers' county certificates for such county, using the questions prepared by the State Board of Education, at such place in the county as may be designated by the superintendent. Neither the county board of examiners nor any member thereof shall at any time grant a private examination to an applicant for a teacher's certificate, except for a temporary permit, as hereinafter provided. At least ten days' notice by a publication in a newspaper, if there be one published in the county, shall be given by the superintendent, at the expense of the county, of all examinations. The board of examiners shall issue certificates, of such general form as the State Board of Education may prescribe, to all such applicants as are found upon examination to possess a good moral character, requisite scholarship, and ability to teach and govern successfully. There shall be four grades of certificates granted by the board, at its discretion, and subject to such rules and regulations as the State Board of Education may prescribe, which grades of certificates shall be as follows: [L. 1907, p. 197, § 10.]

NOTE: A teacher who holds an unexpired county certificate may be examined for another certificate, and have the second paper issued to her after her first certificate has expired. (Report of Attorney-General, L. 1904-06, p. 132.)

§ 34. *First-Grade Certificate, Exemptions.*

Certificates of the first grade shall be granted only to those who are over eighteen years of age and have taught twelve school months with approved success, and shall be valid throughout the county for three years. To obtain the same, an applicant shall make a general average of not less than ninety per cent of all branches prescribed by law, and shall not fall below seventy per cent in any one branch; *provided*, that whenever an applicant has upon two successive examinations received eighty-five per cent or more in one or more branches, said applicant may at the next examination thereafter be excused from examination upon such branches and be credited with the standings so earned. [L. 1907, p. 198, § 11.]

§ 35. *Second-Grade Certificate.*

A certificate of the second grade shall be granted only to those who have attained to the age of eighteen years and have taught at least three school months with ability and success, and shall be valid throughout the county for two years. To obtain the same, an applicant shall make an aver-

age of not less than eighty per cent in all branches prescribed by law, and shall not fall below sixty per cent in any one branch. Such certificate shall not be renewed, nor shall any person be entitled to receive more than one second-grade certificate in the State; *provided*, that more than one second-grade certificate may be issued to the same person on a regular public examination as herein set forth, if such person has not had the requisite teaching experience for a first-grade certificate. [L. 1907, p. 198, § 12.]

§ 36. *Third-Grade Certificate.*

A certificate of the third grade shall be issued only to those who have attained the age of eighteen years. Such certificate shall be valid for one year. To obtain the same, an applicant shall make an average of not less than seventy-five per cent in all branches prescribed by law, and shall not fall below sixty per cent in any one branch. Such certificate shall not be renewed, nor shall any person be entitled to receive more than one third-grade certificate in the State; *provided*, that more than one third-grade certificate may be issued to the same person on a regular examination as herein set forth, if such person has not had the requisite teaching experience required for a second-grade certificate. [L. 1907, p. 198, § 13.]

§ 37. *Primary Certificate.*

A certificate to be known as a "primary certificate" shall be issued only to those who are over eighteen years of age and have taught at least twelve school months with approved success, and shall be valid throughout the county for three years. To obtain the same, an applicant shall make an average of not less than eighty-five per cent, and shall not fall below seventy per cent in any one branch of the subjects of reading, writing, orthography, arithmetic, physiology, language, geography, theory and practice of teaching, which certificate shall authorize the bearer to teach in the primary grades of the county, not beyond the third grade; *provided*, that such teachers shall only be authorized to teach in a graded school as assistant teacher. [L. 1907, p. 199, § 14.]

§ 38. *Temporary Permit.*

A temporary permit may be issued by the county superintendent in case of necessity, valid only in the county where issued, until the next regular public examination held by the county board of examiners for such county. Such permit may be granted without a written examination to the holder of a certificate, valid in any county in the State, who is entitled to the same, or to a holder of a certificate valid in any other State, when the applicant for the same shall present satis-

factory testimonials of his good character and success as a teacher; but no permit shall be issued to any person not holding a valid certificate as herein set forth, except on a written examination equivalent to that required for a third-grade certificate. A teacher shall not be entitled to receive more than two temporary permits in a county, nor shall an applicant who failed at the last regular public examination held by the board of examiners for any county be entitled to receive a temporary permit for that or any other county in the State. A fee of two dollars and fifty cents (\$2.50) for each temporary permit shall be paid by the applicant to the county school superintendent, who shall pay the same to the county treasurer, taking his receipt therefor; and all such fees shall be credited to the county institute fund. [L. 1907, p. 199, § 15.]

§ 39. *County Board of Examiners May Accept Grades from State Board of Examiners.*

A county board of examiners may accept in lieu of an examination on any branch for a county certificate or permit, any grade, certified to by the Superintendent of Public Instruction, that an applicant may have received from the State Board of Examiners during the eighteen months immediately preceding the date of accepting such grade; *provided*, that no grade shall be accepted less than that prescribed for the county certificate or permit for which application is made. [L. 1907, p. 199, § 16.]

§ 40. *The County Superintendent May Indorse First-Grade Certificates from other Counties—Papers Legal Fifteen Days After Examination.*

(a) The county superintendent may indorse a first-grade certificate in force in any other county in the State without examination, and said indorsement shall render the said certificate valid in his county during the validity of the original certificate. The county board of examiners shall have power to revoke said certificate for the same cause and in like manner as those granted by the county board of examiners of his county. In all cases where a certificate is indorsed it shall be registered in the office of the county superintendent who makes the indorsement in a book provided for such purpose. The date of such registration must be indorsed by the superintendent on the back of the certificate, and, without such registration and indorsement, no first-grade certificate shall be valid in any county except the one for which it is issued. A fee of \$1 shall be paid to the superintendent by the teacher whose certificate is registered and indorsed as herein provided, which said sum he shall pay within ninety

age of not less than eighty per cent in all branches prescribed by law, and shall not fall below sixty per cent in any one branch. Such certificate shall not be renewed, nor shall any person be entitled to receive more than one second-grade certificate in the State; *provided*, that more than one second-grade certificate may be issued to the same person on a regular public examination as herein set forth, if such person has not had the requisite teaching experience for a first-grade certificate. [L. 1907, p. 198, § 12.]

§ 36. *Third-Grade Certificate.*

A certificate of the third grade shall be issued only to those who have attained the age of eighteen years. Such certificate shall be valid for one year. To obtain the same, an applicant shall make an average of not less than seventy-five per cent in all branches prescribed by law, and shall not fall below sixty per cent in any one branch. Such certificate shall not be renewed, nor shall any person be entitled to receive more than one third-grade certificate in the State; *provided*, that more than one third-grade certificate may be issued to the same person on a regular examination as herein set forth, if such person has not had the requisite teaching experience required for a second-grade certificate. [L. 1907, p. 198, § 13.]

§ 37. *Primary Certificate.*

A certificate to be known as a "primary certificate" shall be issued only to those who are over eighteen years of age and have taught at least twelve school months with approved success, and shall be valid throughout the county for three years. To obtain the same, an applicant shall make an average of not less than eighty-five per cent, and shall not fall below seventy per cent in any one branch of the subjects of reading, writing, orthography, arithmetic, physiology, language, geography, theory and practice of teaching, which certificate shall authorize the bearer to teach in the primary grades of the county, not beyond the third grade; *provided*, that such teachers shall only be authorized to teach in a graded school as assistant teacher. [L. 1907, p. 199, § 14.]

§ 38. *Temporary Permit.*

A temporary permit may be issued by the county superintendent in case of necessity, valid only in the county where issued, until the next regular public examination held by the county board of examiners for such county. Such permit may be granted without a written examination to the holder of a certificate, valid in any county in the State, who is entitled to the same, or to a holder of a certificate valid in any other State, when the applicant for the same shall present satis-

factory testimonials of his good character and success as a teacher; but no permit shall be issued to any person not holding a valid certificate as herein set forth, except on a written examination equivalent to that required for a third-grade certificate. A teacher shall not be entitled to receive more than two temporary permits in a county, nor shall an applicant who failed at the last regular public examination held by the board of examiners for any county be entitled to receive a temporary permit for that or any other county in the State. A fee of two dollars and fifty cents (\$2.50) for each temporary permit shall be paid by the applicant to the county school superintendent, who shall pay the same to the county treasurer, taking his receipt therefor; and all such fees shall be credited to the county institute fund. [L. 1907, p. 199, § 15.]

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§ 51. *Uniform Blanks.*

The county superintendent shall use a uniform series of blank reports, registers, receipts, etc., which shall be prepared and furnished by the State Board of Education. [L. 1907, p. 202, § 29.]

§ 52. *Local Institutes.*

It shall be the duty of each county school superintendent to organize and hold annually at least three local institutes or educational meetings in various parts of his county at such times and places as he may deem expedient, and he shall secure at these meetings, as far as practical, the attendance and co-operation of school officers, teachers, and parents. The county school superintendent may, at his discretion, use a part of the institute fund for defraying the expense of said institutes and meetings. [L. 1907, p. 202, § 30.]

§ 53. *Annual Institute.*

The county superintendent shall hold annually a teachers' county institute, for a term of not less than three days, for the instruction of teachers and those desiring to teach; and all teachers in the public schools of his county shall be required to attend; and the county superintendent may, at his discretion, revoke the certificate, reduce the grade, or refuse to grant a certificate to any teacher who refuses to attend the county institute without cause. The county superintendent shall receive the assistance and co-operation of the Superintendent of Public Instruction in holding annual institutes. Every teacher attending any annual county institute held in accordance with the provisions of this act shall be given by the county superintendent a certificate, setting forth at what sessions of said institute such teacher shall have been in attendance, and any teacher who shall have closed his or her school for not more than three days in order to attend said institute shall not forfeit his or her wages as teacher during such time as he or she shall have been in attendance at said institute, and the certificate hereinbefore provided for shall be evidence of such attendance. If the institute is held during the session of school, the directors shall be required to grant three days' time of actual service to their teachers to attend the said institute, during which time their pay as teachers shall continue. For the purpose of defraying the expenses of the institute the county superintendent shall draw an order on the county treasurer for such sum as may be necessary to defray the expenses of said institute, which sum the county treasurer shall pay; *provided*, that such sum shall not exceed the amount of institute fund in the county treasury. The county clerk shall audit the annual institute account of the

county superintendent, which account shall be filed in the county clerk's office. [L. 1907, p. 202, § 31.]

§ 54. *Joint Annual Institute.*

Two or more counties may, at the discretion of their respective county superintendents, unite for the purpose of holding a joint annual institute at such place as may be agreed upon by such superintendents, and all the provisions of Sections 52 and 53 of this title shall apply to such joint institute. [L. 1907, p. 203, § 32.]

§ 55. *Shall Correct Report.*

The county superintendent shall examine into the correctness of the reports of the district clerk, and when a report is incorrect the county superintendent may correct or cause the clerk to correct said report, and in case the board of directors and district clerk are not satisfied with the county superintendent's ruling relative to the correctness of such report, they may appeal to the district boundary board, which is hereby authorized to decide as to the correctness of the report; and the decision of said board shall be final. [L. 1907, p. 203, § 34.]

§ 56. *Report to Superintendent of Public Instruction of Mute and Blind Children.*

The county superintendent shall, by the fourth Monday of July of each year, report to the Superintendent of Public Instruction the name, age, and postoffice address of every deaf-mute and blind person in his county between the ages of five and twenty-five years, who are deaf or blind to such an extent as to be unable to acquire an education in the common schools. [L. 1907, p. 203, § 35.]

§ 57. *Plat of Counties and Office Supplies to Be Furnished.*

The county court shall provide the county superintendent with a plat of the boundaries of the several school districts of his county. The county court shall also provide the county school superintendent with all necessary blanks, blank books, stationery, telephone, postage, expressage, and other necessary requirements of his office, not otherwise provided for, the expense of which shall be paid out of the general fund of the county. [L. 1907, p. 203, § 36.]

§ 58. *Annual Report, Teachers' Monthly Reports*

The county superintendent shall require and receive monthly reports from the principal or teacher in charge of each school showing the registration, attendance, tardiness, and such other information as will aid in efficient school supervision. Such reports shall be made on blanks provided for that purpose by the Superintendent of Public Instruction. He shall receive

the reports of all districts in his county, and shall, by the fourth Monday in July of each year, make out from the records in his office a general report, adding such suggestions thereto as he may deem of importance to the cause of education, and transmit the same to the Superintendent of Public Instruction, retaining a copy thereof in his office. [L. 1907, p. 203, § 37.]

§ 59. *Teacher Must File Certificate and Contract.*

The county superintendent shall require teachers before beginning to teach in any school district in his county to register in his office, if they have not previously done so, their county certificates, state papers, and contracts, and should any teacher fail to file his or her certificate, state paper, or contract in his office before beginning to teach in any district in his county, said teacher shall forfeit the full amount of salary for the time taught before said certificate, or state paper, or contract was filed. The county school superintendent shall notify the clerk of said district of the amount of such forfeiture and shall deduct the amount of said forfeiture from the next apportionment due said school district. The requirements of this section shall be enforced only by the county school superintendent of the county in which the school building in which the teacher is employed shall be situated. [L. 1907, p. 204, § 38.]

§ 60. *County Superintendent Shall Attend Convention.*

The county superintendent shall attend annually, the county school superintendents' convention which the Superintendent of Public Instruction is hereby authorized and directed to hold, or cause to be held, annually, at such time and place as the Superintendent of Public Instruction may select. [L. 1907, p. 204, § 39.]

§ 61. *Vacancy in Office of County School Superintendent.*

In case of a vacancy in the office of county superintendent, the county court of the county shall appoint some legally qualified person to fill the unexpired term. [L. 1907, p. 204, § 40.]

§ 62. *County Superintendents May Hold School Board Conventions.*

(a) The county school superintendent may, at his discretion, hold annually a school board convention or conventions for a term of not less than one day for the discussion of questions pertaining to the improvement of the public school system.

(b) The chairman of the school board shall be the delegate to the convention. If he is unable to attend he shall appoint

a member of his board or the clerk to represent the district. Each delegate attending the convention during the entire session shall be entitled to receive two dollars out of the general fund of the county. But no such expense shall be paid until approved by the county superintendent.

(c) No school district shall be entitled to compensation for representation for attendance at more than one convention held in the county during any one year. [L. 1907, p. 47, C. 35.]

§ 63. *Records Open for Inspection.*

All officers having the custody of any State, county, school, city, or town records in this State shall furnish proper and reasonable opportunities for the inspection and examination of the records and files in their respective offices, and reasonable facilities for making memoranda or abstracts therefrom, during the usual business hours, to all persons having occasion to make examination of them for any lawful purpose; *provided*, that the custodian of said records and files may make such reasonable rules and regulations as shall be necessary for the protection of said records and files, and to prevent the interference with the regular discharge of the duties of such officer. [L. 1909, p. 158, C. 98.]

CHAPTER IV.

TEACHERS.

§ 64. *Duties of Teachers Enumerated.*

A teacher's duty, while in charge of a school, shall be as follows:

1. To maintain order in school and conduct himself in such a manner before his school as to command the respect of his pupils.

Commencing and Closing of Day's School.

2. To commence school at 9 o'clock A. M. and to close at 4 o'clock P. M. of each day, giving one hour for recreation at noon; *provided*, that the directors may order a less number of hours.

Shall Teach Physiology and Hygiene.

3. To labor during school hours to advance the pupils in their studies; to create in their minds a desire for knowledge, principle, morality, politeness, cleanliness, and the preservation of physical health; and it is hereby made the duty of every teacher to give, and of every board of school directors to cause to be given, to all pupils suitable instruction in physi-

ology and hygiene, with special reference to the effects of alcoholic drinks, stimulants, and narcotics upon the human system. Such instructions in physiology and hygiene shall be given orally to pupils who are below the fourth grade, and shall be given by the use of text-books to all pupils above the fourth grade, and such instruction shall be given as thoroughly to all pupils as instruction in arithmetic or geography is given. Each teacher of a public school, before leaving the school register with the school clerk, shall certify therein whether instruction has been given in the school or grade presided over by such teacher, as required by this act, and no public money shall be paid over to the treasurer of a district unless the register of such district contains a certificate of the teacher that instruction has been given in physiology and hygiene, with special reference to the effects of alcoholic drinks, stimulants, and narcotics upon the human system, as required by this act.

*Must Keep a Register—Last Month's Salary May Be Withdrawn, When.**

4. Teachers shall keep a register showing the name, sex, and daily attendance of all persons attending their schools, copies of their programmes, classification of their pupils, the point in the state course of study where each class began and closed, and such other data as the State Board of Education may require, and file the same with the clerk at the close of their terms. The last month's salary shall not be paid a teacher until his register is submitted to the chairman of the board and until said officer finds, by examination, that the register has been properly kept, and enters upon the register a certificate to that effect.

Temperature and Ventilation.

5. Every public school teacher shall give vigilant attention to the temperature and ventilation of the schoolroom, and shall see that the doors and windows are open at each intermission for the purpose of changing the atmosphere of the room. He shall require his pupils to take proper exercise, and shall encourage healthful play at recess, but he shall strictly prohibit all dangerous and immoral games and amusements.

May Dismiss Younger Pupils, When.

6. The teachers in the public schools of the State may dismiss all pupils under eight years of age after a four hours'

*NOTE: 1. The county superintendent shall require and receive monthly reports from the principal or teacher in charge of each school showing the registration, attendance, tardiness, and such other information as will aid in efficient school supervision. Such reports shall be made on blanks provided for that purpose by the Superintendent of Public Instruction. See Section 58.

2. The county superintendent shall require the teacher to file certificate and contract before beginning a term of school. See Section 59.

session each day, or, where that is not practicable, may allow to pupils of that age recesses of such length that the actual confinement in the schoolroom shall not exceed three hours and a half per day.

Noon Intermission.

7. Authority is hereby granted to school boards to shorten the noon intermission, during the rainy season, to thirty minutes, and to close school at 3:30.

Gymnastics.

8. In all schools two exercises in free gymnastics and suitable voice and breathing exercises shall be given daily.

Pupils Must Comply With Regulations.

9. The pupils of the public schools shall comply with the regulations established in pursuance of law for the government of such schools; shall pursue the course of study and use the series of text-books prescribed by law; and shall submit to the authority of the teachers. Willful disobedience, or open defiance of the authority of the teacher, or the use of profanity or obscene language, shall constitute good cause for suspension or expulsion from school. Any pupil who shall in any way cut, deface, or otherwise injure any schoolhouse, fences, or outbuildings thereof, shall be liable to suspension and punishment, and the parents of such pupils shall be liable for damages to the amount of injury, on complaint of the teacher, the amount to be determined by the board and collected by the said board by an action therefor in any court having jurisdiction, in the name of the district, together with the costs of said action.

Must Leave a Report in Register.

10. Every teacher who shall leave a school before the close of a school year, shall, at time of leaving, make to the county superintendent a report of the school for all that portion of the school year from the beginning of the school year to the time of such teacher's leaving the school, and shall at the same time give a duplicate of said report, and surrender the school register to the district clerk.

State Certificate and Diploma Must Be Endorsed—Fee.

11. No warrant upon the common school fund shall be drawn in favor of any teacher holding a state certificate or diploma, unless such certificate or diploma shows an endorsement signed by the county superintendent that it has been registered in his office, as required by law; *provided*, that no such endorsement shall be made until a fee of one dollar

(§1) shall be paid for the same, and all moneys so received shall be turned over to the county treasurer, who shall place said sum as a part of the county institute fund.

Must Follow State Course of Study.

12. To follow the state course of study prescribed by the State Board of Education.

Copy of Programme to Be Filed.

13. Teachers shall, at the close of each term, file with the clerk and with the county superintendent, copies of their programmes, the classification of their pupils, the point in the state course of study where each class began and closed, and such other data as the State Board of Education may require. [Code, § 3396.]

Shall Give Notice of Resignation.

14. All teachers in the public schools of this State who shall willingly violate the terms of his or her contract for teaching by resigning his or her position as teacher without a written notice given to the school board at least thirty days before the time when the resignation shall take effect, shall have his or her certificate revoked by the authorities issuing same upon due notice from the school board, and shall be disqualified from teaching in the public schools of this State for the remainder of the school year; *provided*, that sickness or other unavoidable circumstances which prevent the teacher from teaching one month shall be sufficient reason for the termination of the contract without the notice herein required on the part of the teacher; *and provided further*, that a school board may release a teacher from a contract by mutual agreement. [L. 1905, p. 102, C. 42.]

CHAPTER V.

DISTRICT SCHOOL BOARDS.

§ 65. *Meeting of School Boards, How Called—Chairman.*

1. The directors in their official capacity shall be known as the district school board, and shall hold such meetings as are necessary to transact the business of their office.

Meeting, How Called.

2. A meeting of the district school board may be called at any time by a member of the board serving a written notice on the other members and the clerk at least twenty-four hours before such meeting is to be held, such notice to be left

at the residence or usual place of business of such other members and clerk, or may be called by the common consent of the members of such board; *provided*, that the action of such board shall not be deemed lawful unless every member shall have been duly notified.

Chairman.

3. The director who has served the longest time as such under an election shall act as chairman of district school board meetings; in the absence of the chairman the other members of the board in the order of their election may act as chairman, and in the absence of the clerk some member of the board shall act as secretary. A majority of the board shall constitute a quorum to do business. [Code, § 3388.]

The following sections of the statute, Sections 3380, 3388, subdivisions 16, 21, 31, of 3389 and 3409 of B. & C. C. (Sections 130, 65, 80, 85, 95 and 170 of this compilation) construed together recognize the permanent and separate existence of the office of "chairman of the board." (*Riggs v. Polk County*, 95 Pac. 7.)

The "oldest in office of the directors present" means the director who has served the longest time as such under an election, and not the one who is serving the longest term by appointment to an unexpired term. (*State ex rel. v. McKee*, 20 Or. 124, 25 Pac. 292.)

§ 66. *Special Meetings.*

The school board shall authorize the clerk to call special meetings. [Code, § 3389.]

§ 67. *May Exclude Refractory Pupils.*

The school board shall visit and inspect their schools from time to time, and, when necessary, they may exclude any refractory pupil therefrom; but the exclusion of any pupil from the school shall not extend beyond the current term. [Code, § 3389.]

§ 68. *Secret Societies—School Board Must Suppress.*

1. Secret societies of every kind and character, including fraternities and sororities, so called, which may now or hereafter exist among the pupils of any of the public schools of this State, including high schools, either local or county, are hereby declared unlawful.

2. It is hereby made the duty of each school board within the State to examine, from time to time, into the condition of all schools under its charge, and to suppress all secret societies therein, and for this purpose such boards are hereby authorized to suspend, or expel, from school, in their discretion, all pupils who engage in the organization or maintenance of such societies.

3. This act shall not apply to either the State Agricultural College or the State University. [L. 1909, p. 318, C. 215.]

§ 69. *Audit Claims.*

The school board shall audit all claims against the district, and authorize the clerk to draw orders for the amount. [Code, § 3389.]

§ 70. *Shall Furnish Schools With Fuel, Etc.*

The school board shall furnish their schools, from the common school fund, with fuel already prepared for use, chalk, janitor, brooms, blackboards, erasers, stoves, window curtains, reference books, library books, and other apparatus for use in their schools; *provided*, that the sum expended for this purpose shall not exceed fifteen per cent of the five-mill county school fund, and the irreducible school fund apportioned to said district. [Code, § 3389.]

School district boards are required by the school law to furnish seats and desks for all the pupils in attendance upon the public school of such district, and a failure to do so is a misfeasance or nonfeasance in office. (Report of Attorney-General, 1906-08. p. 244.)

§ 71. *Shall Hire Teachers and Make Contracts—Relative of School Board, When May Be Hired.*

The school board, at a general or special meeting called for that purpose, shall hire teachers, and shall make contracts with such teachers which shall specify the wages, number of months to be taught, and time employment is to begin, as agreed upon by the parties, and shall file such contracts in the office of the district clerk, and a copy thereof in the office of the county superintendent. No contract shall be made with any teacher who is related by blood or marriage within the third degree to any member of the school board without the concurrence of all the members of the board, by a vote duly entered on the clerk's record of proceedings. Unless otherwise provided in the teacher's contract, it shall be understood that the branches provided for a first-grade county certificate shall be taught, excepting school law and theory and practice of teaching. [Code, § 3389.]

A contract for the employment of a teacher for a specific term, executed at a meeting of school directors irregularly called, at which the directors were not all present, is ratified so as to be binding upon the school district by the payment of the salary for part of the term with the approval and acquiescence of the board. (Graham v. School District. 33 Or. 266, 54 Pac. 185.)

§ 72. *District Shall Forfeit School Funds, When.*

If any district school board shall draw a warrant on the school fund for the wages of any teacher who does not hold a valid teacher's permit, certificate, or diploma, and lay the same before the board for inspection, such district shall forfeit its proportion of the school fund for the current year. [Code, § 3389.]

§ 73. *Course of Study to Be Used—Board May Establish Rules—Pupil Must Pursue Certain Branches.*

Boards shall have entire control of the public schools of their district, and the teachers employed therein, except that in districts of the second and third class the boards of such districts shall adopt the course of study prescribed by the State Board of Education; and any such district using any other course of study than that prescribed by the State Board of Education shall forfeit twenty-five per cent of the five-mill county school tax for that or the subsequent year. The board may establish such rules and regulations for the government of teachers and pupils as are consistent with those of the State Board of Education, as the interests of the schools require. It shall be the duty of the teacher, under the direction of the board, to determine what branches shall be pursued by each pupil, consistent with the course prescribed by law. [Code, § 3389.]

§ 74. *Pupils Must Be Provided With Books.*

The district board shall require, as a condition of membership in any school, that pupils shall be provided by their parents or guardians with such books as may be prescribed by law. [Code, § 3389.]

§ 75. *May Loan Text-Books.*

When directed by a vote of the district, the district board shall loan text-books to indigent pupils; and, when not directed by a vote of the district so to do, may loan said books to indigent pupils upon the written report of the clerk that the parent or guardian of such children are unable to purchase such books. [Code, § 3389.]

§ 76. *May Admit Pupils From Other Districts.*

The district school board may, at its discretion, contract with the district school board of any other district for the admission of pupils in any school in such other district, on such terms as may be agreed upon by such boards, which contract shall be in writing upon blanks furnished by the Superintendent of Public Instruction; the expense so incurred shall be paid out of the school funds of the district sending such pupils. Should the first mentioned district fail to pay the expense so incurred according to the terms of the contract, the county superintendent of the county containing the first mentioned district shall, at the time he makes his next regular apportionment, after satisfactory proof of such failure, deduct the amount of the unpaid expense from the amount due the first mentioned district by said apportionment. When the

county superintendent has made the deduction provided for in this section, he shall draw a warrant on the county treasurer in favor of the second mentioned district for the amount of the deduction, and the treasurer shall pay said warrant out of the common school fund of his county. The county superintendent's jurisdiction, as herein provided for shall, in case the first mentioned district be a joint district, be exercised by the county superintendent of the county in which the greater part of such district may be situated, as shown by the number of persons in said district between the ages of four and twenty, according to the school clerk's last annual report. The county superintendent's action in the matter shall be final. [L. 1905, p. 367, § 5.]

§ 77. *Persons Affected With Contagious Diseases.*

Any board of directors may, on account of the prevalence of any contagious disease, or to prevent the spread of such contagious disease, prohibit the attendance of any teacher or scholar upon any school under their control, and may specify the time during which such teacher or scholar shall remain away from such school, and may prohibit the attendance of any unvaccinated child, who has not had the smallpox, upon the schools under their control, and shall also have power to decide how far revaccination shall be required if a case or cases of smallpox have occurred in the city or district. [Code, § 3389.]

Where, under a contract between the directors of a school district, there was a clause to teach a definite period unless the school was discontinued by order of the directors, and the directors in consequence of the prevalence of diphtheria stopped the schools, but reopened them when the danger had passed, and before the expiration of such contract, it was held that the discontinuance of the school was for good cause and authorized under the contract, that such discontinuance did not operate to annul such contract and discharge the teacher; that it did relieve the district from liability during such period but not from liability for the unexpired portion of such contract after the schools were reopened. (*Goodyear v. School Dist. 17 Or. 517, 21 Pac. 664.*)

A school board of directors has the right to close the school, if in the judgment of the board it is necessary to do so for the public health and safety, or the health or safety of the pupils. The teacher, however, is entitled to his pay during the time that the school is so closed, unless there is in the contract a special clause to the contrary. (Report of Attorney-General, 1904-06, p. 217.)

§ 78. *Water-Closets Must Be Provided.*

It shall be the duty of all boards of directors in this State to provide suitable and convenient water-closets or privies for each of the schools under their charge, at least two in number, which shall be entirely separate from each other, and having separate means of access. It shall be the duty of the school officers aforesaid to keep the same in a clean, chaste, and wholesome condition, and to clear the school ground of brush and other obstructions to a good view of the premises; and a failure to comply with the provisions of this subdivision on the part of the board of directors shall be sufficient grounds

for removal from office and for withholding from any district any part of the five-mill county school tax of the county. The expense incurred by the officers aforesaid in carrying out the requirements of this subdivision shall be a charge upon the district, and a tax may be levied therefor without a vote of the district. [Code, § 3389.]

§ 79. *Change of School Site and Removal of Schoolhouse.*

Whenever, in the judgment of the board, it is desirable or necessary to the welfare of the schools in the district, or to provide for the children therein proper school privileges, or whenever petitioned so to do by one-third of the voters in the district, the district board shall call a meeting, at some convenient time and place fixed by the board, to vote upon the question of selection, purchase, exchange, or sale of a schoolhouse site, or the erection, removal, or sale of a schoolhouse. Such election shall be conducted and votes canvassed in the same manner as at the annual election of school officers. Three notices of the time, place, and purpose of such meeting shall be posted in three public places in the district by the clerk at least ten days prior to such meeting. If a majority of the voters present at such meeting shall by vote select a schoolhouse site, or shall be in favor of the purchase, exchange, or sale of the schoolhouse, as the case may be, the board shall locate, purchase, exchange, or sell such site, or erect, remove or sell such schoolhouse, as the case may be, in accordance with such vote; *provided*, that it shall require a vote of two-thirds of the voters present and voting at such meeting to order the removal of the schoolhouse, and such schoolhouse so removed can not again be removed within three years from the date of such meeting. [Code, § 3389.]

§ 80. *School Warrants, When Issued—Interest.*

School warrants shall not be issued without a vote of the district school board, and they must be drawn and signed by the chairman of the board and countersigned by the district clerk; *provided*, that if there should not be any money in the treasury they shall be marked "not paid for want of funds," and said orders shall draw interest at the legal rate from the date of endorsement until paid. [Code, § 3389.]

§ 81. *Duty Must Be Performed at a Regular Meeting—Contract Void, When.*

Any duty imposed upon the board as a body must be performed at a regular or special meeting, and must be made a matter of record. The consent to any particular measure obtained of individual members when not in session is not

an act of the board, and is not binding upon the district. If a contract is made without authority of the board, the individual making such contract shall be personally liable. [Code, § 3389.]

§ 82. *Schools Free, to Whom.*

They shall admit free of charge to the schools of their districts all persons between the ages of six and twenty-one residing therein, and all other persons may be admitted on such terms as the district may direct. [Code, § 3389.]

§ 83. *Directors Shall Not Have Pecuniary Interest.*

It shall be illegal for any director, either directly or indirectly, to have any pecuniary interest in the erection of schoolhouses, or for the warming, ventilating, furnishing, or repairing the same, or to receive or accept any compensation for his services rendered as a member of the board. [Code, § 3389.]

§ 84. *Demands Approved, When—Examination of Contracts.*

All demands, whether by contract or otherwise, must be approved by the district school board, when in session, before an order can be drawn on the district clerk for them, and no officer can draw an order on the treasurer unless he is authorized to do so by a vote of the board, at a regular or special meeting. It shall be the duty of the board to examine all contracts for the employment of teachers and the construction of schoolhouses, or for any other purpose, and to see that stipulations have been complied with, before they authorize the payment of money thereon. [Code, § 3389.]

§ 85. *Chairman and Clerk May Draw Warrants, When—Report Must Be Received, Etc.—Teachers Must Hold Legal Certificates.*

The board may authorize the chairman and clerk to draw warrants for the payment of teacher's salary at the end of each school month, upon proper evidence that the service has been performed, but the order for wages for the last month of the term shall not be drawn until the teacher's report shall have been received, examined, accepted, and filed in the office of the district clerk; *provided*, that all teachers must hold legal certificates, and that said certificates must cover the entire time of the teacher's service, and must specify all the branches taught, and such certificate can neither directly or indirectly be made to legalize another teacher's services. [Code, § 3389.]

§ 86. *Dismission of Teachers.*

The board shall dismiss teachers only for good cause shown, and, in case the board shall pass an order to dismiss, the material reason therefor shall be spread upon the record by the district clerk. [Code, § 3389.]

§ 87. *Unjust Dismission of Teachers—Trial of Teacher.*

If a teacher is unjustly dismissed, he may take an appeal from the action of the board in dismissing him to the county superintendent and thence to the Superintendent of Public Instruction, but, for a breach of contract of teaching, the teacher or the district shall have their ordinary legal remedies. In the trial of a teacher, when it is sought to dismiss him, as above provided, the board, the county superintendent, or the State Superintendent, as the case may be, shall give the teacher due and legal notice of the charges against him, and an opportunity to be heard in his own defense in person or by attorney. [Code, § 3389.]

§ 88. *May Prosecute, When.*

It shall be the duty of the board of directors to prosecute any person who shall willfully write, make marks or draw obscene pictures on the walls or any other parts of any school house or outbuilding, or furniture thereof, or for defacing or damaging any school building; and, any person thus defacing or injuring public school property, shall be punished by a fine of not less than \$5 nor more than \$20, and justice's courts shall have jurisdiction of this offense. Such fine shall be paid by the justice within thirty days to the county treasurer, taking his receipt therefor. All moneys received by the county treasurer in this manner shall be credited to the county school fund. [Code, § 3389.]

§ 89. *Kindergartens.*

The district school board of any school district in the State of the first or second class may, when authorized thereto by the qualified electors of such district, provide for the establishment and maintenance therein, as part of the common school system thereof, of schools commonly known as kindergartens, and such school shall be free to children over four years of age. [Code, § 3389.]

§ 90. *Schoolroom May Be Used, When.*

A district school board may, at its discretion, permit a school house, when not occupied for school purposes, to be used under careful restrictions for any proper purpose, giving equal rights and privileges to all religious denominations or political parties, but for any such use or privilege it shall not be at

the cost for fuel, or otherwise, to the district. No dancing shall be permitted in any schoolroom. Nor shall any furniture, which is fastened to the floor, be removed, and whoever removes any school furniture, for any other purpose than repairing the same or repairing the schoolrooms, shall be guilty of a misdemeanor, and shall be fined not less than \$5 nor more than \$10 for each offense. All fines imposed and collected, under the provisions of this subdivision, shall be paid into the general school fund of the State; *provided*, that the power delegated to the board, by this act, may be denied a district school board, by a majority of the legal voters present and voting at the annual meeting, or at a special meeting called for that purpose. [L. 1909, p. 236, C. 165.]

§ 91. *Uniform Series of State Blanks.*

The board shall cause to be used in each district a uniform series of state blanks, registers, etc., whenever the same shall be supplied by the State. [Code, § 3389.]

§ 92. *Bond of Clerk.*

The school board shall require and take from the clerk a bond with one or more sufficient sureties, the amount thereof to be sufficient to secure the school money that may come into his hands, conditioned for the faithful performance of his duties, which bond shall be filed with the county superintendent; *provided*, that no director shall be a surety on said bond. [Code, § 3389.]

School district boards of directors fix the amount of the district clerk's bond, subject to the approval of the county school superintendent. (Report of Attorney-General, 1906-08, p. 32.)

§ 93. *Other Duties.*

The directors shall perform such other duties not provided for in this section as the wants of the district may from time to time demand. [Code, § 3389.]

§ 94. *May Contract Debt, When.*

When authorized by a majority vote of the legal voters present at any legally called school meeting, they may, in the name and on behalf of their district, contract a debt by borrowing money, or otherwise, not to exceed five per centum of the value of the taxable property of the district, for the purpose of building a school building or repair of school buildings, or for the purchase of land for school purposes, and issue negotiable, interest-bearing warrants (and fix the time of payment of the same) of their district, evidencing such debt; and they may, from time to time, not oftener than once a year, levy a tax on the taxable property of the district to pay the interest thereon, or principal, when due, which taxes shall be collected in the same manner as other school taxes are or may

be collectible by law; *provided*, that whenever a school district in this State shall make a loan, borrow money, or refund any existing debt created by a vote of the electors or by the directors in pursuance of any statute, the *bona fide* resident citizens of such district shall have the right to subscribe for such loan, and it shall be the duty of the board of directors to order an advertisement to be published, setting forth the amount of such loan, the number of years the same shall run, and the rate of interest, in a newspaper published in the district, or by posting notices in three public places; and each *bona fide* resident of such district shall have the right to subscribe once for said loan for the entire amount, or any portion of the same, not less than \$50 at par value, and in placing the loan the directors shall issue the same, whether it be in notes, warrants or bonds of the district, to the smallest subscriber or subscribers first, one note, warrant or bond to each subscriber, upon payment of the amount subscribed in lawful money of the United States, until the entire loan has been placed; *and it is further provided*, that in case each *bona fide* resident of the district has had opportunity to subscribe for such loan and the same has not all been taken and issued to such subscribers, or in case the subscribers do not call for the same within three days after the time fixed for delivery of the said notes, warrants or bonds of the district, the directors may permit such subscribers to make further subscriptions, in the same manner as heretofore provided in this section, until all the loan has been taken. [Code, § 3389.]

The board of directors of a school district may advertise for subscriptions for the indebtedness of the district in such amounts as it may deem advisable. (48 Or. 522, 87 Pac. 761.)

A vote of the electors of a district authorizing the directors to contract a greater debt than they can lawfully do is sufficient authority to incur a debt to the lawful limit. (Vaughn v. School Dist. 27, 27 Or. 63, 39 Pac. 393.)

It is not necessary to the validity of an obligation of a school district that it appear by the records of the clerk that the indebtedness does not exceed the legal limit, that matter being determinable from the assessment. (48 Or. 522, 87 Pac. 761.)

§ 95. Bonds.

See the third and fourth notes of Section 130, as well as annotations at the close of this section.

On the petition of ten legal voters of any school district, which petition shall be substantially in the following form, to wit,—

To the District School Board of District No. — of — County, State of Oregon:

We respectfully request you to submit to the legal voters of said district the question of contracting a bonded debt of said school district in the sum of _____ dollars, for the purpose of _____, and that you will call a school election for that purpose.

—the district school board of said district shall direct the clerk of said district to cause to be posted a notice of election, which notice of election shall be as near as may be as follows:

SCHOOL DISTRICT BOND ELECTION NOTICE.

Notice is hereby given that at a school meeting of school district No. _____, of _____ County, Oregon, to be held at _____, said district, on the _____ day of _____, 19____, there will be submitted to the legal voters of said district the question of contracting a bonded debt of _____ dollars, for the purpose of _____, the vote to be by ballot, upon which shall be the words "Bonds—Yes," and the words "Bonds—No." Polls to be opened at 1 o'clock P. M., and remain open until 4 o'clock P. M.

By order of the board of directors of school district No. _____, of _____ County, Oregon.

Dated this _____ day of _____, A. D., 19____.

(Signed) _____, Clerk.

Which said notice shall be posted for the period of twenty (20) days prior to such election in at least three (3) public and conspicuous places in said district, one of which places shall be the place of meeting. The meeting shall be called to order by the chairman, or some other member of the board of directors, and the taxpayers shall proceed to elect three judges and a clerk of election, who shall conduct the election. When the polls are closed the judges and clerk shall proceed to canvass the vote and shall certify the result to the board of directors, the county treasurer, and the county superintendent. If a majority of the votes cast read "Bonds—Yes," the board of directors, as soon as practicable, shall issue coupon bonds of the district, not exceeding in par value the amount stated in the notice of election, bearing interest not to exceed legal interest per annum, payable semi-annually, redeemable at the pleasure of said district (after ten years), but due and payable absolutely twenty years from date; but in no case shall the aggregate of bonded debt in any school district exceed five per centum of the value of the taxable property of any such district. The principal and interest of such bonds shall be payable at the office of the county treasurer in which the district may be situated, or at such place as may be designated in the city and State of New York, at the option of the purchaser thereof. All such bonds so issued shall be signed by the chairman of the board of directors and attested by the district clerk, and countersigned by the county treasurer; and ten coupons attached to said bonds shall be signed by the chairman of the said board of directors and countersigned by the district by original or facsimile signatures. Whenever any school district shall issue bonds under the provisions of this section, all such bonds shall be issued to the county treasurer of the county and be registered by him in a book kept

for that purpose in his office, noting the school district, amount, date, time and place of payment, rate of interest, and such other facts as may be deemed proper; and all such bonds shall state, on their face, that they were issued under the provisions of this section. The county treasurer shall sell said bonds for the best price obtainable, and hold the proceeds subject to the order of the board of directors, but no bonds shall be sold for less than par. The directors of said district must ascertain and levy annually a tax sufficient to pay the interest accruing on said bonds as it becomes due, and at the expiration of ten years from date of said bonds, and annually thereafter until full payment of said bonds is made, they shall levy, in addition to the tax required to pay such interest, an amount for a sinking fund sufficient to meet the payment of said bonds at maturity, such amount to be not less than one-tenth of the amount of bonds outstanding and unpaid, and the fund arising from such levy shall be kept as the bond redemption fund of said district; and each of said tax levies shall be a lien upon the taxable property in said district, and must be collected in the same manner as taxes for other school purposes; and all such taxes shall be paid to the county treasurer, who shall, with the money so received, pay the said interest coupons and bonds as they become due. If the directors of any school district issuing the said bonds shall fail or refuse to levy the tax necessary to be levied for such interest or sinking fund to pay said bonds, it shall be the duty of the county treasurer to ascertain the amounts necessary to be levied for such interest or sinking fund to pay said bonds and interest; and it shall be the duty of the county court or county board of commissioners to levy a tax equal to said sum so required and ascertain on the certificate thereof by the county treasurer; and the proper county officer having power to extend county taxes shall extend the same upon the tax roll of said county upon the taxable property of said school district only; and the proper county officer whose duty it is to collect taxes shall collect the same according to law; and the said collecting officer shall pay said funds so collected into the county treasury to the credit of the school district issuing such bonds, to be applied to the payment of said bonds and interest. The county treasurer must pay out of any moneys so levied and collected belonging to the school district the interest or principal, as the case may be, upon any bond issued under this section by school districts, when the same becomes due, and at such places as designated in such coupons or bonds, or upon the presentation at his office of the same, which must show the amount due and the number and series of the bond, and all coupons or bonds so paid

must be immediately reported to the directors of the district. Whenever any school district in this State shall, under any laws of this State, have contracted any indebtedness or issued any bonds for the purchase or the building of any schoolhouse or any furnishing of the same, it shall be lawful for said school district to issue and exchange its bonds for any such indebtedness, at a rate of interest not greater than that borne by the original indebtedness, by a majority vote of the taxpayers of the district; and said bonds shall in all respects conform to and be governed in all their issuance and execution by the provisions of this section, except as to those provisions requiring a vote of the taxpayers. At any time after the issuance of such bonds, and the discharge of the duties imposed upon said county treasurer, should any incidental expense, cost, or charges arise, the said county treasurer shall present his claim for the same to the board of directors of the school district issuing such bonds, and the same shall be audited and paid in the same manner as other services are paid for under the provisions of the law. Whenever the amount of any sinking fund created under the provisions of this section shall equal the amount, principal and interest, of any bond then due or subject under the pleasure or option of said school district to be paid or redeemed, it shall be the duty of the county treasurer of the county in which the school district issuing such bond is located, to publish a notice in the newspaper published nearest to said school district, and also in one published at the State capital, that the said county treasurer will, within thirty (30) days from the date of said notice, redeem and pay any such bond then redeemable and payable, giving priority according to the date of issue numerically, and, upon presentation of any such bond or bonds, the said treasurer shall pay the same. In case any holder of such bond or bonds shall fail or neglect to present the same at the time mentioned in the notice hereinbefore provided for, then the interest upon such bond or bonds shall cease and determine, and the treasurer of such county shall thereafter pay only the amount of such bond or bonds and the interest accrued thereon up to the last day of the time of redemption mentioned in said notice. When any bonds are so redeemed or paid, the county treasurer shall cause the same to be fully cancelled and write across the face of such bond the word "redeemed," with the date of redemption, and shall deliver the same to the board of directors of such school district, taking the directors' receipt therefor. Each county treasurer of the State, and the sureties on his official bond as such, shall be liable to any school district in his county for any

funds placed in the hands of such treasurer, under the provisions of this act. [Code, § 3389.]

In a suit to enjoin the issue of bonds to build a district school building, on the ground that the meeting of the district board authorizing the issue of the bonds was not legally convened, even if plaintiff had knowledge of the meeting and participated therein, and was thereby estopped to question the validity of the proceedings in equity, such facts would be a matter of defense by way of estoppel. (*Riggs v. Polk Co.* 95 Pac. 5.)

The form of bond should show on its face that it is issued pursuant to "Section 3389 of Pelling and Cotton's Annotated Codes and Statutes of Oregon, and all acts supplemental thereto and amendatory thereof." (Report of Attorney-General, 1906-08, p. 329.)

§ 96. *Surplus of Irreducible Fund to Be Invested in School Bonds and Warrants.*

Any surplus of the irreducible school fund, university fund, or agricultural college fund, or any other fund, held by the State Land Board, not loaned in accordance with the provisions of law, should be invested as far as possible in bonds and warrants issued by the various school districts within the State of Oregon, under the direction of the said State Land Board. [L. 1903, p. 21, § 1.]

§ 97. *Bonds or Warrants to Be Submitted to the Land Board.*

Before offering for sale any bonds or warrants issued by any school district in Oregon, notice of such issue and the amount thereof shall be given to the State Land Board by the school district officers in charge of such issue, and the State Land Board shall have the preferential right to purchase and pay for all or any number of said bonds or warrants out of the irreducible school fund, university fund, or agricultural college fund, or other funds in its hands or under its control, at their par value. After receiving such notice the said State Land Board shall determine whether or not to purchase such bonds or warrants, or any number of them, and said State Land Board shall immediately thereafter give notice to the proper school district officers of its decision, which decision shall be binding upon the officers charged with the issuance and execution of such bonds or warrants. If the State Land Board determine not to make such purchase, or to purchase only a part of such issue, then the officials in charge of the execution of such bonds or warrants shall proceed to advertise and sell such bonds or warrants or such number of said bonds or warrants as the State Land Board elects not to take, in the manner now provided by law. [L. 1903, p. 21, § 2.]

§ 98. *Opinion of the District Attorney.*

There shall be presented to said State Land Board, at the time of the giving of the notice of such issue of bonds or warrants, full and complete proof of the proceedings and actions taken in reference to the issue of said bonds or warrants, with the opinion of the district attorney, or local attor-

ney for the State Land Board, showing the regularity and the legality thereof together with a certificate showing the amount of the taxable property and the amount of indebtedness against such school district, and any other information required by the State Land Board. [L. 1903, p. 22, § 3.]

§ 99. *When Payable.*

(a) Any purchase by said State Land Board may be made payable in any number of years, not less than one, and due in any number of years, not to exceed twenty, and any such bonds or warrants purchased by said State Land Board may be written or printed, with or without coupons, and the denomination may be in any such amount, not exceeding \$10,000, as may be agreed upon by the parties, and the interest shall not be less than five per cent per annum. [L. 1903, p. 22, § 4.]

(b) When any such bond or bonds, or warrants, are duly executed and delivered to the State Land Board, the State Land Board shall cause the same to be paid for, specifying the fund out of which the same is payable in favor of the school district issuing such bonds, and the body receiving the same shall place the same to the credit of the fund for which the same was borrowed. [L. 1903, p. 22, § 5.]

§ 100. *Bonds, How Disposed of.*

All bonds and warrants purchased under the provisions of this act shall be subject to the sale and disposition at any time under the order and direction of said land board, when the said land board shall deem it advisable to make such sale and disposition thereof; and the proceeds of such sale shall be divided, the principal to the permanent fund and the interest and other profits to the interest fund, from the fund from which the investment was made, and the principal may be reinvested in such bonds or warrants as may be deemed prudent by the said land board. Every sale or disposition of bonds or warrants authorized in this section shall be reported, with the reasons therefor, to the Legislature, in the biennial report of the State Land Board. [L. 1903, p. 23, § 6.]

§ 101. *Penalty.*

It shall be mandatory upon all officers in charge of school districts for bond or warrant sales to first offer the proposed issue of bonds or warrants to the State Land Board for the investment of the irreducible school, university, or agricultural college, or other fund in their charge, and any willful failure to comply herewith shall be deemed a misdemeanor, punishable by a fine of not less than \$10 nor more than \$100, and the district attorney of the judicial district for the proper

county must prosecute such offending officers upon the request of the State Land Board. [L. 1903, p. 23, § 7.]

§ 102. *To Facilitate the Sale of School Bonds.*

Before the legal voters of any school district in the State of Oregon shall authorize the directors of such school district to make a loan, borrow money, or issue bonds, the board of directors, at a legally called meeting of said board, shall decide whether the bonds, authorized by the legal voters to be issued, shall be negotiated and sold according to the provisions of subdivision 6 of Section 3389 of Bellinger and Cotton's Annotated Codes and Statutes of Oregon (Section 94 of this compilation), or the provisions of subdivision 31 of said section (Section 95 of this compilation), and the same shall be negotiated and sold under the provisions of the subdivision (section) so selected by said board of directors. [L. 1909, p. 64, § 2.]

§ 103. *District Board May Refund Indebtedness.*

Whenever any school district of the first or second class in this State shall have contracted any indebtedness or issued any bonds for the purchase or building of any school houses or in furnishing of the same, or for the purchase of any school house site, it shall be lawful for said school district, by and through its board of directors, to issue and exchange its bonds for any such indebtedness at a rate of interest not greater than that borne by the original indebtedness; and said bonds shall in all respects conform to and be governed as to their sale, issuance and execution by the provisions of Section 3389 of the Codes and Statutes of Oregon, as annotated by Charles B. Bellinger and William W. Cotton, except that the refunding of said indebtedness and the issuing of bonds for such purpose shall not require a vote of the taxpayers, but may be done by the board of directors at any legally called meeting of said board. [L. 1909, p. 64, § 1.]

§ 104. *Office of a Clerk or Director Vacant, When.*

The county school superintendent shall declare the office of a clerk or director vacant upon the happening of any of the following causes:

1. The death or resignation of the incumbent.
2. When an incumbent shall be removed from office or his election thereto shall have been declared void by the judgment or decree of any competent court.
3. When an incumbent shall cease to be a resident of the district.
4. When an incumbent shall cease to discharge the duties of his office for two consecutive months, unless he shall have

been prevented from discharging such duties by sickness or other unavoidable cause.

When a vacancy shall occur in the office of director in a district of the first class, the clerk of said district shall forthwith call a meeting of the remaining member or members, who shall at once fill the vacancy from any of the qualified voters of the district.

When a vacancy shall occur in the office of director or clerk in a district of the second or third class a special school meeting to fill said vacancy shall be called in accordance with Section 129 of this compilation; *provided*, that should the office of each director of any district be vacant at the same time, it shall be the duty of the county school superintendent to call a school meeting in such district to fill such vacancy, in accordance with Section 129 of this compilation; *provided, further*, that should the vacancies occur in a joint district, it shall be the duty of the county superintendent of the county containing the greater number of persons, in such district between the ages of four and twenty years as shown by the clerk's last annual report, to declare the offices vacant or to call the meeting as provided for in this section. [L. 1905, p. 364, § 2.]

The resignation of a school director tendered to and accepted by the electors of his district is of no effect. Being an elective office, the resignation must be presented to the power authorized to call an election to fill the vacancy. (Vaughn v. School Dist. 27 Or. 65, 39 Pac. 393.)

§ 105. *Flags for School Districts.*

The boards of directors in the several school districts of this State shall procure a United States flag of suitable size, and shall cause said flag to be displayed upon or near each public school building during school hours, except in unsuitable weather, and at such other times as to said board may seem proper.

The necessary funds to defray the expenses to be incurred for such flags and for poles and appliances necessary in connection therewith, and for the care thereof, shall be assessed and collected in the same manner as the moneys are now raised by law for public school purposes, or may be paid out of any funds in the treasury of any school district not otherwise appropriated. [L. 1907, p. 49, C. 37.]

§ 106. *Transportation of Pupils.*

A district school board of any legally organized district shall, when authorized by a majority vote of the legal voters present at any legally called school meeting, furnish transportation to and from school to all pupils living more than two miles from the school building; and may at their discretion,

provide for the transportation of any and all pupils residing nearer than two miles from the central building; said distance, in either case, to be measured from the inclosure immediately surrounding their residence to the schoolhouse property along the nearest traveled road; *provided*, that the district school board may, at its discretion, pay the board of any pupil or pupils at any suitable place near any established school, instead of providing conveyance for said pupil or pupils, when, in their judgment, it may be done at an equal or less expense than by conveyance. District school boards of such districts are hereby authorized to pay for the transportation or board of pupils, as provided for in this section, out of the common school fund of their respective districts; and shall, when authorized by a majority vote of the legal voters present at any legally called school meeting, levy a tax upon the taxable property of their districts for the purpose of carrying out the provisions of this section. [L. 1903, p. 73, § 1.]

§ 107. *District May Suspend School, When.*

The district school board of any legally organized district shall, when authorized by a majority vote of the legal voters present at any legally called school meeting, suspend the district school for such time as they may have been authorized, and arrange with any adjoining or other district, or districts, during the time when the school shall be suspended for the instruction of the pupils of such district; and, also, provide for the transportation of any or all pupils residing therein to and from the schoolhouse in the district with which the arrangements for their instruction is made, and to pay for the amount of expense incurred in providing for the transportation, and for tuition of pupils in an adjoining or other district or districts. District school boards are hereby authorized to pay for the transportation or board of pupils, as provided for in this section, out of the common school fund of their respective districts, and when authorized by a majority vote of the legal voters present at any legally called school meeting, shall levy a tax upon the taxable property of their districts for the purpose of carrying out provisions of this section. [L. 1903, p. 73, § 2.]

This act does not provide for the suspension of a part of the grades, but for a suspension of the school. Dropping a grade and providing for the pupils of that grade to be taught in another district is not within the purview of this act. (Report of Attorney-General, 1904-06, p. 82.)

§ 108. *Violation of School Law—Penalties.*

1. If a director shall be guilty of misfeasance or malfeasance in the office, he may, by the appropriate proceeding, be removed from office by a court of competent jurisdiction.

Misdemeanor—Penalty.

2. Any member of any school district board, or any school clerk, who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not less than \$25 nor more than \$100, or by imprisonment in the county jail not less than six months, or by both such fine and imprisonment; and any teacher who shall violate any of the provisions of this act shall be liable to immediate dismissal, and it shall be the duty of the county superintendent to prosecute and carry out the provisions of this section. [Code, § 3391.]

§ 109. Fines—Where Paid.

All fines collected for any violation of this act shall be paid to the treasurer of the county where the suit is brought, for the support of the common schools. [Code, § 3392.]

§ 110. Doors Must Open Outward.

1. The outside doors, and other exits leading thereto, in every theater, church, school building, public hall, and every other building used for public purposes where people congregate, shall be so swung and hinged that they will open outward.

2. It shall be the duty of the owner, lessee, or tenant, or person having control of any of the buildings enumerated in the first section of this act to provide outside doors, and other doors leading thereto in such building, opening outward, within six months after the time this act takes effect; and any owner, lessee, tenant or person having control of any such building who fails or refuses to so provide doors opening outward, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment in the county jail not less than ten days nor more than six months, or by both such fine and imprisonment, and each day which such offending person shall fail to comply with the provisions of this act shall be deemed a separate offense.

3. An act entitled, "An Act requiring the doors of buildings used for public purposes to open outward, and providing a penalty for a violation thereof," filed in the office of the Secretary of State February 23, 1909, and all acts and parts of acts in conflict herewith are hereby repealed. [L. 1909, Sp. Ses., p. 517, C. 5.]

CHAPTER VI.

DISTRICT SCHOOL CLERKS.

§ 111. *Bond of School Clerk.*

Before assuming the duties of his office the district clerk shall give a good and sufficient bond, equal in amount to not less than double the probable amount of all school moneys that shall come into his hands as clerk of such district. The bond of the district clerk shall be presented to and accepted by the district school board of his district within ten days from the date of his election or appointment as such district clerk, which bond shall be filed with the county superintendent within thirty days from the date of the election of the district clerk. [Code, § 3393.]

School district boards of directors fix the amount of the district clerk's bond, subject to the approval of the county school superintendent. (Report of Attorney-General, 1906-08, p. 32.)

§ 112. *New Bond, When—Failure to Give, Effect of.*

Every clerk of a school district who is his own successor shall give a new bond for the term for which he is re-elected, within the time hereinbefore named for the presentation of his bond to the directors, and his former bondsmen shall not be liable for defaults committed within the term for which he is re-elected. In case any district clerk shall fail to give a bond within the time hereinbefore mentioned for the presentation and acceptance of such bond, the office of clerk shall be declared vacant by the district school board; *provided, however*, that in the event any board of directors shall accept a bond of the district clerk after thirty days have elapsed from the date of the election or appointment of such clerk then said bond so accepted shall be valid. [Code, § 3394.]

§ 113. *Record—District Clerk Shall Keep—Notice of School Meetings.*

The clerk of every school district shall record all the proceedings of the district and board meetings in a book provided for that purpose. He shall give notice, as required in this act, of all annual and special district meetings. [L. 1907, p. 204, § 41.]

The clerk of a school district at any time while he is still in office has power and it is his duty to correct the records that he has kept of school meetings so as to make them conform to the facts, and such records can not in collateral proceedings be varied or contradicted by parol evidence. (Vaughn v. School Dist. 27 Or. 62, 39 Pac. 393.)

Under Section 3380, B. & C. Comp. (Section 130), relative to notices of school meetings, and Section 3395 (amended by Sections 113 and 127), relative to the duties of clerks of school districts, it is part of the official duty of a school clerk to post notices for special meetings, and his official record is sufficient evidence of what he did. (48 Or., 522, 87, Pac. 761.)

Sections 538 and 539, B. & C. Comp., requiring proof of the service of a summons to be by affidavit, do not apply to the proof of posting notices of school meetings. (48 Or. 552, 87 Pac. 761.)

§ 114. *Report to County Superintendent Annually.*

Every district clerk shall make an annual report to his district and to the county superintendent according to the form prescribed by the State Board of Education, and shall forward a certified copy of the same to the county superintendent within five days after the annual school meeting. [L. 1907, p. 204, § 42.]

§ 115. *Census—District Clerk Shall Take.*

Every district clerk shall enroll annually during the last week in November for school purposes the names and ages of all persons in his district over four and under twenty years of age and also the names and postoffice addresses of all parents and guardians of such persons resident in the district. This annual school census shall include all youths between the ages of four and twenty years who, on the twenty-fifth day of November, actually resided in the district. [L. 1907, p. 204, § 43.]

§ 116. *Census Report—Special.*

Where the annual census of any school district shows an increase of one hundred per cent or more in the number of children resident in such district between the ages of four and twenty years over the number of such children as shown by the last annual report of the clerk of such district, it shall be the duty of such clerk to immediately report such increase to the county superintendent; and thereafter in any apportionment of school funds in proportion to the number of such resident children in the several school districts, the number of such resident school children in the several districts as shown by such annual census shall be used as the basis of such apportionment instead of the number thereof shown by the last annual report. [L. 1905, p. 221, C. 121.]

§ 117. *Census Report False—A Misdemeanor.*

Every member of a board of directors, or district clerk, who shall willfully sign a false report to a county school superintendent, with intent of causing such superintendent to apportion a larger sum than its just proportion of school moneys to his school district, shall be deemed guilty of a misdemeanor, and such district shall also forfeit for each offense the sum of twenty-five dollars (\$25) of its proportion of the county school fund. Such penalties, and any fines which shall be imposed for such misdemeanor, are for the benefit of the common school fund of the county. [L. 1907, p. 203, § 33.]

§ 118. *Census Report—Copy to County Superintendent.*

The clerk shall, within ten days after taking such annual census, forward a certified copy of the same to the county

superintendent, who shall immediately examine into its correctness, and should a report be incorrect, a county superintendent may correct said report, or cause the clerk to correct said report, and in case the board of directors and the district clerk are not satisfied with the county superintendent's ruling relative to the correctness of such report, they may appeal to the district boundary board, which is hereby authorized to decide as to the correctness of the report, and the decision of said district boundary board shall be final. No corrections shall be made after January 1, of the year immediately following the annual census. [L. 1907, p. 205, § 44.]

§ 119. *Blind and Deaf—Clerk Shall Enumerate.*

The district clerk shall enumerate, at the same time he takes his annual census, the name, age, residence, and post-office address of every person blind or deaf to such an extent as to be unable to acquire an education in the common schools, and who resides in the district in which he is clerk, and report the same to the county school superintendent at the time of making his annual report. [L. 1907, p. 205, § 45.]

§ 120. *Books Open for Inspection.*

The books and accounts of the district clerk are public records and shall be subject to inspection at any and all proper times; and the directors shall at the annual meeting of the school district make a thorough examination of the books and accounts of the district clerk. [L. 1907, p. 205, § 46.]

§ 121. *Uniform Blanks.*

Clerks of all school districts within this State shall use a uniform series of state blanks, blank reports, registers, warrant books, etc., whenever the same shall be provided by the authority of the State; and when the same have been received he shall immediately receipt to the county school superintendent for them, on blanks furnished for that purpose. [L. 1907, p. 205, § 47.]

§ 122. *Shall Draw Order, When.*

The clerk of each school district shall refuse to draw an order for the teacher's wages for the last month until the teacher's register, copy of programme, classification of pupils, where each class began and closed in the state course of study, and such other data as may be required by the State Board of Education or the county superintendent, shall have been examined, approved by the clerk and filed in his office. [L. 1907, p. 205, § 48.]

§ 123. *Shall Turn Property Over to Successor.*

The district clerk shall turn over all district money, books and papers to a duly qualified successor. [L. 1907, p. 205, § 49.]

§ 124. *Shall Send List of Officers to County Superintendent.*

He shall within five days after the annual school meeting send to the county school superintendent a list of the officers of his district, which list shall give the length of term of office of each director and the postoffice address of each director and clerk or the district. [L. 1907, p. 205, § 50.]

§ 125. *Shall Keep a Financial Record.*

It shall be the duty of the district clerk to keep a correct account in a book provided for that purpose of all moneys coming into his hands and of all paid out belonging to his district, and he shall make a report of the same to the annual meeting, and, when called upon by directors to do so, shall report at special meetings. [L. 1907, p. 205, § 51.]

§ 126. *Shall Get Money From County Treasurer.*

When the district clerk receives the superintendent's order for the money set apart for his district out of the county school fund, he shall call upon the treasurer, either in person or otherwise, present his order and get the money; and it is hereby made the duty of the county treasurer to report at once to the county superintendent whenever such moneys are received by him. [L. 1907, p. 206, § 52.]

§ 127. *Secretary of School Meetings.*

The district clerk shall act as secretary of all district and board meetings, and shall perform all other duties required of him by this act, and should he fail to perform all such duties he shall suffer the enforcement of his bond. [L. 1907, p. 206, § 53.]

Where the clerk of a school district fails or neglects to be present at a meeting of the district or to act as secretary thereof, the meeting has power to appoint a secretary *pro tem*, and the entries of the business of such meeting in the minutes by such secretary *pro tem*, are evidence of the proceedings of the meeting. (State ex rel. v. McKee, 20 Or. 120, 25 Pac. 292.)

See, also, notes to Section 113.

§ 128. *Compensation.*

Clerks in districts of the first and second class shall receive as compensation for their services such a sum as in the judgment of their respective boards shall be adequate. In districts of the third class, they shall receive as compensation for their services not less than \$5 nor more than \$25 annually. [L. 1907, p. 206, § 54.]

CHAPTER VII.

SCHOOL MEETINGS.

§ 129. *Annual and Special School Meetings.*

The legal school voters of each school district of the State shall meet once every year, which meeting shall be known as the annual school meeting, and may hold special meetings as the interest of such district shall require. [Code, § 3379.]

§ 130. *Meetings, How Called.*

All regular and special school meetings must be convened by a written call, stating the objects of such meeting, signed by the chairman of the board and the district clerk, or a majority of the district school board; and the directors shall cause the clerk to post such written notices in three public places in the district at least ten days before the day appointed for said meeting. [Code, § 3380.]

Under Section 3380, B. & C. Comp. (Section 130), relative to notices of school meetings, and Section 3395 (amended by Sections 113 and 127), relative to the duties of clerks of school districts, it is part of the official duty of a school clerk to post notices for special meetings, and his official record is sufficient evidence of what he did. (48 Or., 522, 87, Pac. 761.)

Sections 538 and 539, B. & C. Comp., requiring proof of the service of a summons to be by affidavit, do not apply to the proof of posting notices of school meetings. (48 Or. 552, 87 Pac. 761.)

§ 131. *Chairman—Director Longest in Office.*

The director who has served the longest time as such shall act as chairman of district meetings, and in case of his absence, the other directors in the order of such seniority; and in case neither of the directors is present at a district meeting, the qualified voters present shall elect a chairman. [Code, § 3381.]

The "oldest in office of the directors present" means the director who has served the longest time as such under an election, and not the one who is serving the longest time by appointment to an unexpired term. (State ex rel. v. McKee, 20 Or. 124, 25 Pac. 292.)

If the clerk of a school district fails or neglects to be present or to act as secretary thereto, the meeting has power to appoint a secretary *pro tem*. (State ex rel. v. McKee, 20 Or. 124, 25 Pac. 292.)

B. & C. Comp. Section 3385, vesting in school district meetings the power to levy taxes, expressly limits such power to "district meetings, legally called;" Section 3389, subdivision 1, empowers the district school board to call meetings generally, and subdivision 14 empowers it to call meetings to consider the question of erecting school buildings. Section 3380 provides that all regular and special school meetings must be convened by a call stating the objects of such meeting, signed by the chairman of the board and the district clerk, or a majority of the district school board. *Held*, that Section 3380 was intended to designate the persons who should give notice of a called meeting ordered by the board, and not merely to give the officers therein named a discretionary power to call a meeting, and the existence of the same power in some other body was necessarily excluded. (Riggs v. Polk County, 95 Pac. 5.)

The various sections of the statute (Sections 3380, 3388, 3389, subdivisions 16, 21, 31 and Section 3409 of B. & C. C.; or Sections 130, 65, 80, 85, 95 and 170 of this codification) construed together recognized the permanent and separate existence of the office of "chairman of the board," and by Section 3388 the oldest in service of the directors was chairman of the board, and hence a special meeting called under Section 3380 signed by the next oldest member of the board was not signed by "the chairman of the board," as required thereby, and bonds issued at such a meeting were invalid. (Riggs v. Polk Co. 95 Pac. 5.)

§ 132. *Rules of Order—Division.*

All district school meetings shall be conducted in a decent and orderly manner, and shall be governed by the rules of order commonly in use by such bodies; *provided*, that a division shall be granted if demanded by two or more voters of the meeting, except in case of an election to fill vacancies of district officers. [Code, § 3382.]

§ 133. *Time of Annual Meeting.*

The annual school meeting in all organized districts shall be held on the third Monday in June, 1902, and every year thereafter, or, if it be a legal holiday, the next day thereafter, for the transaction of such business as shall properly come before it; and the fiscal school year shall begin on the third Monday of June and end of the last day of June. [Code, § 3383.]

§ 134. *Election by Ballot—Terms of Office.*

1. Districts of the first class shall elect one director for each district on the day of the annual school meeting, to serve for five years, and such election shall be held from 2 P. M. until 6 P. M. and it shall be by ballot, and such ballot shall be uniform, and shall be provided by the board of directors. The judges of such election shall be appointed by the board of directors, to receive and canvass the vote and report the results to the board.

Election of Director in Districts of Second and Third Class—Tie.

2. In all other districts there shall be elected by ballot at the annual school meeting one director and one clerk for each district. The director shall hold his office for three years, so that the oldest director shall retire from office in order, and the clerk for one year; *provided*, that districts of the second class may hold elections for director and clerk in the manner provided in this act for holding elections in districts of the first class, when authorized so to do by a majority vote of the legal voters present at any legally called school meeting; *provided*, that in case of a tie at the election of school officers, said tie shall be decided by lot. [Code, § 3384.]

School elections are neither general nor special elections, and are not governed by the general election law, and if a qualified elector is challenged, the judge is not under any obligation to determine his right to vote as would be required at a general or special election. (*Breeding v. Williams*, 37 Or. 437, 61 Pac. 858.)

The power given to the Legislature by the Constitution to provide for the establishment of a uniform and general system of common schools carried with it the power to prescribe the qualifications of voters at a school meeting and at elections for district officers. (*State v. Hingley*, 32 Or. 441, 52 Pac. 89; *Harris v. Burr*, 32 Or. 348, 52 Pac. 17, 39 L. R. A. 768.)

School elections are "legally authorized elections" within the meaning of the criminal statute punishing those offering to vote at such elections. (*State v. Hingley*, 32 Or. 441, 52 Pac. 89.)

§ 135. *Power to Levy Tax—Minutes of Meeting.*

(a) District meetings, legally called, shall have power to levy a tax upon all real and personal property in their district, and make any necessary appropriation for the support and benefit of schools, and also adjourn from time to time; *provided*, that no tax shall be levied at any special meeting unless the call for such meeting shall have stated that one of the purposes of such meeting would be the levying of a tax.

Minutes to Be Signed.

(b) The minutes of all school meetings must be signed by the chairman and secretary. [Code, § 3385.]

Where a notice of a meeting of the voters of a school district stated that the object thereof was to levy a tax of eight and one-half mills for the building of a schoolhouse, and a tax of one and one-half mills for the teachers' fund, a motion at the meeting that "we proceed to vote on the ten-mill tax," sufficiently indicates that the tax referred to was that mentioned in the notice and the entry in the minutes of the clerk that such motion was carried is a good levy of the tax. (*Vaughn v. School Dist.* 27 Or. 63, 39 Pac. 393.)

§ 136. *School and Town Levies Made on What Valuation.*

That all the taxes hereafter levied by any school district or incorporated town or city shall be levied upon the property therein respectively assessable upon the valuation of such property, as shown by the assessment roll last compiled before said levy is made in the county in which such school district or incorporated town or city is included; and it shall be the duty of the clerk of the county court in each of the several counties, upon application of the clerk or board of school directors of any school district, and of the recorder, auditor, or clerk, or common council, board of directors, or trustees of any incorporated town or city, to furnish a certificate, under the seal of the county court, showing the aggregate valuation of the assessable property in the school district or incorporated town or city from which such application shall have been made. [Code, § 3097.]

§ 137. *Notify County Clerk.*

It shall be the duty of each school district and each incorporated town and city, and of each public corporation authorized to levy a tax, to notify, in writing, the county clerk in the county within which the school district, town, city or public corporation is situated of the rate per cent of the tax levy made by it on or before the first day of January in each year, which notice shall be kept on file by the several clerks, and remain a part of the records of the office; *provided*, that if for any reason any school district, town, city or public

corporation can not so notify, in writing, the county clerk in the county within which the school district, town, city or public corporation is situated at the time herein fixed, then such notice may be given in writing in Grant, Douglas, Gilliam and Clatsop counties only, not later than February 10, 1905, but on and after said date the said notice shall be given, in writing, to said county clerk on or before the first day of January of each year. [L. 1905, p. 68, C. 7, § 1.]

§ 138. *Levy Terminate With Even Mills.*

All counties, cities, school districts, and other corporations which are vested with the power of levying taxes, shall make their total levy terminate with even mill or mills, or in fractions of one-tenth of one mill. [L. 1905, p. 68, C. 7, § 2.]

§ 139. *Qualification of Voters.*

Any citizen of this State, male or female, who is twenty-one years of age and has resided in the district thirty days immediately preceding the meeting or election, and has property in the district, as shown by the last county assessment, and not assessed by the sheriff, on which he or she is liable or subject to pay a tax, shall be entitled to vote at any school meeting or election in said district; *provided*, that, for the purposes of this section, any man who has declared his intention to become a citizen of the United States, and has resided in the State for six months immediately preceding the meeting or election where he proposes to vote, shall be considered a citizen of this State; *provided, further*, that any person shall be deemed to have complied with the property qualifications imposed by this section who presents to the directors or judges of election satisfactory evidence that he or she has stock, shares, or ownership in any corporation, firm, or co-partnership which has property in the district, as shown by the last county assessment, and not assessed by the sheriff, on which such corporation, firm, or co-partnership pays a tax, even though his or her individual name does not appear upon the tax roll; *provided, further*, that in districts of the third class any head of a family who is otherwise a qualified elector, and having children of school age, may vote at such election without property qualifications. The chairman of any school meeting, or any qualified elector, is hereby authorized to challenge any person who may offer to vote at such meeting. In case an elector has been challenged as disqualified, it shall be the duty of the chairman of such meeting to administer to each person so challenged an oath that he or she will truly answer all questions propounded to him touching his place of residence and qualifications as elector at such meeting, and upon taking which, if the meeting be in a district of the first or

second class, he shall interrogate him respecting his citizenship in this State, his age, residence in the district immediately preceding the meeting or election, and whether he has property or shares in a corporation in the district, as shown by the last county assessment, and not assessed by the sheriff, on which he or she is liable or subject to pay a tax; and if the meeting be in a district of the third class, he shall interrogate him as to whether he is the head of a family, and otherwise an elector, and has children of school age in the district. [Code, § 3386.]

"The contention that the statute is satisfied if the person offering to vote in fact owns property which is listed on the assessment roll, although it may have been assessed in the name of another, is without merit. The requirement is that he must have property 'as shown by the last county assessment.' The ownership of the property must appear from the assessment and can not be shown by extrinsic evidence." (48 Or. 520, 87 Pac. 763.)

NOTE: In the case above cited, the question of a person who holds stocks or shares in a corporation, firm or co-partnership was not at issue. Where the name of a corporation, firm or co-partnership appears on the assessment roll, any one who presents to the directors or judges of election satisfactory evidence that he has stocks, shares or ownership in such co-partnership is entitled to vote.

Under the Constitution the Legislature has power to prescribe the qualifications of voters at school meetings and at elections for district officers. (State v. Hingley, 32 Or. 440, 52 Pac. 89; Harris v. Burr, 32 Or. 348, 52 Pac. 17, 39 L. R. A. 768.)

A provision that women may vote at school elections is constitutional. (Harris v. Burr, 32 Or. 348, 52 Pac. 17, 39 L. R. A. 768.)

Section 3386, B. & C. Comp., providing that any citizen who has property in a school district on which he or she is liable to pay a tax shall be entitled to vote at any school election, is not invalid as prescribing a property qualification in contravention of Const. Or. Art. II, Sec. 2, defining the qualifications of voters, it not applying to school district elections. (48 Or. 520, 87 Pac. 763.)

§ 140. *Voting Wards in Districts.*

School districts of the first class may be subdivided into voting wards by the directors of such district, such wards to conform as near as possible to the city wards comprised in its boundaries. The board of directors of all such districts when so subdivided shall establish at least one polling place in each ward, the judge and clerks of which shall be qualified electors within the provisions of this act, and residents of such ward and each elector shall be required to cast his or her ballot in that ward in which he or she resides. [Code, § 3387.]

CHAPTER VIII.

SCHOOL DISTRICTS.

§ 141. *Division of Counties Into School Districts.*

For public school purposes, each county in the State shall be divided into convenient subdivisions, to be known as school districts, and those corporate bodies now existing in the various counties of the State under the name of school districts are

hereby validated, and the boundaries, school offices and official acts of such districts shall be and remain the same as shown by the records of the county superintendents of the several counties of this State, or the records of such districts at the time this act goes into effect, until changed in the manner prescribed in this act. [Code, § 3363.]

Where a school district has been attempted to be formed, and the law in regard to the formation of such district attempted to be complied with, and such district is in the exercise of its legitimate powers, its existence can not be attacked except in a direct proceeding by the State for that purpose. (School Dist. v. School Dist. 34 Or. 97, 55 Pac. 98.)

§ 142. *School Districts Classified.*

All school districts now existing, and all that shall hereafter be created under the provisions of this act, shall be classified and known as first class, second class, and third class. The classification shall be made according to the number of children of school age, as shown by the last school census. All districts with one thousand or more children of school age shall be known as districts of the first class. All districts with more than two hundred and less than one thousand children of school age shall be known as districts of the second class. All districts with less than two hundred children of school age shall be known as districts of the third class. [Code, § 3364.]

§ 143. *New Districts—Manner of Proceeding.*

1. The district boundary board may establish new districts on the petition of three legal voters of said proposed new districts, and may, at its discretion, upon petition of three or more legal voters interested, change or divide the districts of its county.

Change of Boundaries When District Lies in More Than One County.

2. When the boundaries of any school district lying in two or more counties are proposed to be changed, in the manner hereinbefore specified, the petition shall first be acted upon by the district boundary board of the county in which lies the greater part of the district proposed to be changed; but, in any such cases, any change of the boundaries in the other county must be concurred in by the district boundary board of that county.

Notices to Be Posted.

3. Before any new district shall be established, or change shall be made in the boundaries of any existing district, the superintendent shall cause to be posted in three public and conspicuous places in such proposed district, or in each of the existing districts, at least ten days before action is

taken, as herein provided, written or printed notices of the boundaries of the proposed new districts, or the changes to be made in the boundaries of any existing district, and of the session of the board when the same will be done.

Number Children to Organize—Number Required to Continue.

4. No district shall be organized unless it contains at least ten children of school age, and no district shall continue to be a legally organized district unless it has at least six children of school age.

When Board Shall Act—Division of Assets and Liabilities—Failure to Agree—Decision.

5. When changes are made in the district boundaries as heretofore set forth, or when any district shall be divided into two or more parts for school purposes, the existing board of directors shall continue to act for both, or all, the new districts or parts of districts until such districts or parts of districts shall have been regularly organized by the election of directors and clerks, as provided by law. The respective boards of directors of all the districts concerned shall immediately after such organization make an equitable division of the then existing assets and liabilities between the old and new districts or between the districts already existing and affected by such change; and in case of a failure to agree within ten days from the time of such organization, the matter shall be decided by a board of arbitrators chosen by the directors of the several districts concerned. The arbitrators' decision shall be final, except that it may be reviewed by writ of review, as the decisions of other inferior tribunals are reviewed. The said board of arbitrators shall consist of three members, of whom the county superintendent shall be a member and *ex officio* chairman.

Pay of Arbitrators—Assets—Liabilities.

6. Each member of the board of arbitrators, except the county superintendent, shall be entitled to the sum of \$2 per day for each and every day's service, and necessary traveling expenses, while sitting in their official capacity, and expenses thus incurred shall be equally apportioned among the several districts concerned. Assets shall include all school property and moneys belonging to the district at the time of the division. Liabilities shall include all debts for which the district in their corporate capacity are liable at the time of division.

Assets and Liabilities—How Divided—Apportionment of Funds.

7. In determining the assets, school property shall be estimated at its present cash value. The assets and liabilities

shall be divided between the districts in proportion to the last assessed value of the property, real and personal, and the district retaining the real property, shall pay to the other district or districts concerned such sum or sums as shall be determined in accordance with the provisions of this section; *provided*, that all funds to be apportioned during the current school year, after said division, shall be made in proportion to the number of persons in each district between the ages of four and twenty years who are actual residents of such parts of said districts divided, as shown by the clerk's last annual report of such districts. [Code, § 3365.]

Territory Must Be Contiguous.

8. All school districts formed by the district boundary board shall be formed of contiguous territory. [Code, § 3366.]

§ 144. *Consolidation of School Districts—Petition and Vote.*

Whenever two or more contiguous school districts in this State shall desire to consolidate, for the purpose of forming one district, a petition from each such district shall be presented to the district boundary board of the county in which the largest district shall be situated, setting forth specifically the districts it is proposed to consolidate. Such petition, if from a district of the first class, must contain the signatures of at least one hundred legal school voters; if from a district of the second class, at least fifty legal school voters, and if from a district of the third class, must contain at least five legal voters, and shall request the district boundary board to submit, at the next annual meeting thereafter, to the legal voters of the several districts, the question of the consolidation of such districts. Upon receiving such petition, the district boundary board shall within ten days so notify the district school board of each of the districts designated by the petition. Each district school board receiving such notice shall cause its district clerk to publish, as a part of the notice for the next succeeding annual meeting, that a vote will be taken at such annual meeting upon the question of consolidation of the districts designated in the notice from the district boundary board, which districts shall be specifically designated in the notice for the meeting. The vote upon the question of consolidation shall be by ballot, and the ballots shall have written or printed upon them, "For consolidation—Yes;" "For consolidation—No;" and the chairman of the meeting shall appoint two tellers, who shall receive and count the ballots; *provided*, that in districts of the first class the judges shall be appointed in the manner

now prescribed by law. The district clerk, or a person authorized by the board to act as such, shall keep a poll list, and record thereon the name of each person voting upon such question at such meeting before such vote is received by the tellers. After all legally qualified school electors present have voted, if they so desire, the chairman shall declare the vote closed, and the tellers or judges shall proceed to count the vote in the presence of the chairman. The district clerk shall keep a tally sheet of the votes as counted by the tellers, which tally sheet shall be certified to as correct by the clerk and signed by the chairman and tellers. The tally sheet, poll list, and ballots shall be placed in a sealed package by the district clerk, who shall endorse thereon the number of the district and the name of the county in which it is situate, and the date on which said election is held. Such sealed package, together with a statement of the result of said election, signed by the chairman and the district clerk, shall be forwarded by the district clerk, within five days after said election, to the district boundary board, directed to the county school superintendent, as a member thereof. The district boundary board shall, within ten days after the receipt of the sealed returns from such election, open the same and proceed to canvass the vote. If the board shall determine from the returns that a majority of all votes cast in each of the said districts is in favor of consolidation, it shall immediately notify the district school board of each district concerned of the result of such election. Within ten days from the date of such notice, the district boundary board shall consolidate all said districts into one district, the limits and boundaries of which shall conform to and be the same as the limits and boundaries of the territory included in all of the districts thus consolidated. If the district boundary board shall determine that less than a majority of all the votes cast in any one of the said districts is in favor of consolidation, then said board shall notify each of the district school boards concerned that the proposition to consolidate is defeated. After such district boundary board shall have canvassed the vote on the proposition to consolidate, the county school superintendent shall preserve in his office the ballots, tally sheets, and poll lists in their original envelope for a period of one year. [L. 1905, p. 365, § 3.]

§ 145. *School Boards.*

If, after consolidation, such consolidated district is a district of the first class, the location of school site shall be located as now provided by law. If, after consolidation, the district is a district of the second or third class, the school

site for one year after consolidation shall be located by the district school board of the newly consolidated district, and, in case such school board shall be unable to agree, the question shall be submitted to the district boundary board for settlement, and the decision of the district boundary board shall be final. [L. 1903, p. 88, § 2.]

§ 146. *Property.*

All the property, real and otherwise, belonging to the districts within the corporate limits of said consolidated district shall become the property of said consolidated district, and be subject thereafter to the control of the district school board of said consolidated district, chosen in accordance with this act. [L. 1903, p. 88, § 3.]

§ 147. *How Classified.*

All districts formed under the provisions of this act shall be classed as districts of the first, second, or third class, according to the provisions now in force for the classification of school districts. If such consolidated district, at the time of consolidation, shall contain enough children of school age, as shown by the last school census, to be classed as a district of the first class, the district school board of said consolidated district shall consist of five members, each of whom shall hold office for a term of five years, one member retiring each year, to be chosen as follows: The directors of the most populous district, of which said newly consolidated district was formed, as shown by the number of children of school age, according to the last school census, shall be the district school board of such newly consolidated district until the first annual meeting after the consolidation, when there shall be elected three directors to hold office, one for three years, one for four years, and one for five years, the term of each to be determined by lot at the first regular meeting after such election; *provided*, that if the said most populous district was a district of the first class at the time of consolidation, there shall be elected at the first annual meeting after consolidation but one director, and said director is to hold office for five years. If said consolidated district, at the time of consolidation, shall not contain enough persons of school age, as shown by the last school census, to be classed as a district of the first class, the district school board of said consolidated district shall consist of three members, chosen as follows: The directors of the most populous district, of which said consolidated district was formed, as shown by the number of children of school age, according to the last school census, shall be the district school board

of said consolidated district until the first annual meeting after consolidation, when there shall be elected one director, to hold office for three years. After the election of members of the board of directors, under this act, but one director shall be elected each year, and all vacancies in the board shall be filled as provided by law. When consolidation of two or more districts has been effected, according to the provisions of this act, the terms of the school officers of said districts shall expire on the date of consolidation, except those of the most populous district of said districts. [L. 1903, p. 88, § 4.]

§ 148. *Bodies Corporate.*

All districts formed under the provisions of this act shall be bodies corporate, and shall have all the powers and duties and shall be subject to the same restrictions as now provided by law for the class of districts to which said districts may respectively belong, in consequence of the number of children of school age within such consolidated district, except that for the five years immediately following the consolidation, the county school superintendent shall, at the time he apportions fifty (50) dollars to each district, as now required by law, apportion to all consolidated districts formed under the provisions of this act, as many times \$50 as there were districts consolidated. [L. 1903, p. 89, § 5.]

§ 149. *Districts in Two or More Counties.*

Where the public good requires it, a school district may be formed of adjacent territory lying in two or more counties; and it shall be the duty of the clerk in such district to report annually to each superintendent having jurisdiction, and such clerk shall include in such report the number of scholars residing, and the total number of days' actual attendance of such scholars, in each county. Said clerk shall be entitled to draw for the benefit of his district that portion of the public school fund due said district from each county. [Code, 3367.]

§ 150. *Organization New Districts—Notice to Be Posted—Quorum—Notice to Be Published, When.*

1. The taxable inhabitants of a newly-established district receiving a notice from the county superintendent, as provided by law, shall immediately write and post up three notices in public places in the district, notifying the citizens thereof to assemble at some convenient place for the purpose of organizing such district, and electing three directors and a clerk, to serve the remainder of the school year, or until their successors are chosen and qualified. When three or more voters have assembled pursuant to notice, they shall

constitute a quorum to do business, and shall have power to do all business done at annual school meetings; *provided*, that at least ten days' notice shall be given for all meetings called in pursuance of this act; *provided, further*, that in all districts of the first and second class this notice shall be duly published in one or more newspapers of such district, or, in case no such newspaper is published in said district, then notices shall be posted as hereinbefore provided.

Organization.

2. Such meeting shall organize by appointing a chairman and secretary, and then may proceed to elect by ballot three directors, who shall hold their offices until their successors are elected and qualified. Such meeting shall also elect a district clerk, who shall hold his office until the first annual meeting thereafter, or until his successor has been chosen and qualified.

Directors and Clerks to Qualify—Clerk's Bond—Oath.

3. The directors and clerk elected at the first meeting shall qualify immediately, by taking an oath to support the laws and Constitution of the United States and of the State of Oregon, and to faithfully discharge the duties of their offices to the best of their ability; and the clerk shall give a bond to the directors for such sum as they may require as additional pledge for the faithful performance of his duties. The chairman of the meeting, or any one he may choose, shall administer the oath of office to the directors and the clerk-elect.

Power of Directors and Clerk.

4. The directors and the clerk elected and qualified, as aforesaid, shall have the same power and shall perform the same duties hereinafter required to be performed by directors and clerk elected at annual meetings of regularly organized districts.

Election of Directors.

5. At the first regular election of such district after its organization there shall be elected, by ballot, three directors, for one, two, and three years, respectively, and the ballot shall specify the term for which each is to be elected. In case of a tie, the matter shall be decided by lot. [Code, § 3368.]

The corporate existence of a school district created and organized under color of law, and in the exercise of its corporate powers, can not be attacked except in a direct proceeding instituted by the State for that purpose. (School Dist. v. School Dist. 34 Or. 99; 55 Pac. 98.)

§ 151. *Are Bodies Corporate.*

All school districts now existing, or that shall be organized in pursuance of this act, shall be to all intents and purposes bodies corporate, competent to transact all business coming under their jurisdiction, and sue and be sued. When suit is commenced against a district, notice must be served on one of the directors. [Code, § 3369.]

§ 152. *Officers of District—Number—Classification.*

1. The officers of a district of the first class shall consist of five directors and a clerk, and of all districts of the second and third class shall consist of three directors and a clerk, and in all cases shall be elected by ballot.

Term Begins, When.

2. The term of office of all district school officers shall begin on the day of election, and they must qualify before assuming the duties of their office, and within thirty days after their election, by taking the usual oath of office, and shall serve until their successors are elected and qualified.

District School Officer—Eligibility.

3. No person shall be eligible to a district office who shall not be at the time of his election a legal voter* for a school officer in such district. [Code, § 3370.]

§ 153. *Women Eligible to Educational Offices.*

Women over the age of twenty-one years, who are citizens of the United States and of this State, shall be eligible to all educational offices within the State. [L. 1893, p. 62, Code, § 3422.]

This act, Section 153, is held unconstitutional as applied to the office of county superintendent of common schools. (State ex rel. v. Stevens, 29 Or. 464, 44 Pac. 898.)

§ 154. *Illegal Contracts With Teachers—Certificate Revoked.*

No district shall enter into a contract with any teacher whereby said teacher shall return to said district, either directly or indirectly, any part of the five-mill county school tax, or the irreducible school fund apportioned to said district; and should any board and teacher enter into such contract, said contract shall not be deemed legal, but void in whole, and the teacher's certificate shall, if it be a county certificate, be revoked by the county school superintendent, and, if it be a State certificate or diploma, be revoked by the State Board of Education, when the fact shall be duly ascertained, after a trial conducted as hereinbefore provided for revocation of teacher's certificate. [Code, § 3373.]

*For qualification of voters, see Section 139.

§ 155. *Annual Exhibit of Funds.*

The county treasurer of each county shall make annual exhibits of all school funds coming into and paid out of the treasury. He shall also retain and produce all the superintendent's orders by him paid off, on the yearly settlement with the county superintendent. [Code, § 3375.]

§ 156. *Existing Indebtedness Valid and May Be Funded.*

All indebtedness now outstanding, whether evidenced by bonds, orders, warrants, or otherwise, of any school district in this State, be and the same is hereby declared legal and valid, and said districts are hereby authorized to fund said indebtedness by the issuance of negotiable bonds in the manner now provided by law. [Code, § 3376.]

§ 157. *School Month—Legal Holidays.*

The common school month shall hereafter consist of twenty (20) days, and no school shall be open in any district for the purpose of ordinary instruction on any Saturday, or on any legal holiday, or in any county during the time of holding the annual county institute therein. The following days shall be, and are hereby declared, legal holidays in this State, viz.: Every Sunday, the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the twenty-fifth day of December, and every day on which an election is held throughout the State, and every day appointed by the President of the United States or by the Governor of this State for a public fast, thanksgiving, or holiday; *provided*, that when holidays occur during a session of school, teachers shall be allowed full pay for such holiday. [Code, § 3378.]

The day upon which the direct primary election is held throughout the State is a legal holiday. (Report of Attorney-General, 1904-06, p. 237.)

Teachers in public schools are entitled to full pay for holidays occurring during the time of their employment, whether their salary is expressed at so much per month or so much per day. (Report of Attorney-General, 1906-08, p. 42.)

CHAPTER IX.

DISTRICTS OF THE FIRST CLASS.

§ 158. *Districts Consolidated.*

Whenever the school population of any city or incorporated town shall exceed one thousand, as shown by the school census made by the clerk of the largest and most populous district in such city or town, the district boundary committee shall consolidate all districts and parts of districts

within such city of town into one school district of the first class, and the limits and boundaries of such school district shall conform to and be the same as the limits and boundaries of such incorporated city or town; *provided*, that in all cases when any part of any school district shall be included in any such incorporated city or town, and a part thereof shall not be so included at the time this act shall take effect, such parts of such school districts as lie without the boundaries of said city or town shall continue to be a part of such school districts until such time as the boundary board shall otherwise provide. [Code, § 3397.]

§ 159. *Change in City Limits, Effect of.*

When the limits or boundaries of any incorporated city or town containing a district of the first class are changed according to law, then the boundaries and limits of the school districts therein shall be deemed to have been changed also, so as to conform to the new limits and boundaries of such incorporated city or town. [Code, § 3398.]

A change in the school districts to conform to the boundaries of a city authorizes the proper authorities to readjust and make division of the assets and funds the same as when districts are formed or changed by petition. (School Dist. v. Lambert, 28 Or. 217, 42 Pac. 221.)

§ 160. *Board of Directors, When Districts Consolidated.*

The directors of the largest and most populous district within said incorporated limits shall, with such others as are elected in pursuance of this act, be the board of such new district organization, and all the property, real and otherwise, belonging to districts or parts of districts within said corporate limits shall become the property of such new district, and be subject thereafter to the control of the board of directors of such largest and most populous district; but the new board may provide, for a period not exceeding three years from the date of such consolidation, for the free tuition of all pupils living within the boundaries of such parts of such consolidated districts which are beyond the said limits, unless such parts are sooner created into new districts or are attached to other districts. [Code, § 3399.]

§ 161. *Election of Directors—Allotment of Terms.*

At the first regular election in any district created as provided in Section 158 of this compilation, there shall be elected three directors to hold office, one for three years, one for four years, and one for five years, the term of each to be determined by lot at the first regular meeting of the board after such election. [Code, § 3400.]

§ 162. *Places of Election—Judges and Clerks.*

It shall be the duty of the school directors of the oldest organized district affected by this act to designate the polling places and name the judges and clerks to serve at the first election under this act, and the board of such oldest directors shall also canvass and declare the results of such election. [Code, § 3401.]

§ 163. *Notice of Elections—Allotment of Terms.*

Whenever the school population of any district shall reach one thousand or more, as shown by the annual census of the school clerk of the district, the board of directors of such district shall give notice that at the next election three directors are to be elected, who shall serve three, four, and five years, respectively, the term of each to be determined by lot at the first regular meeting of the board after such election; and from and after such election such district shall be of the first class, and shall have a board composed of five directors, and otherwise be subject to the special laws and provisions of districts of the first class. [Code, § 3402.]

§ 164. *One Director Elected Each Year.*

After the first election of members of the board of directors under this act, but one shall be elected each year and all vacancies in the board shall be filled as provided by law. [Code, § 3403.]

§ 165. *Number of Directors—Districts of First Class.*

In all organized districts of the first class the board of directors shall consist of five members, each of whom shall hold office for a term of five years, one member retiring each year as hereinafter provided. [Code, § 3404.]

§ 166. *Time of Election.*

The election for members of the board of directors in all organized districts of the first class shall be held each year, at the time and in the manner provided by law for districts of the first class. [Code, § 3405.]

§ 167. *Existing Districts Continued.*

All districts formed under the provisions of an act entitled "An Act to organize school districts in incorporated towns of ten thousand inhabitants, and to provide for the maintenance and government of public schools therein," are hereby continued as districts of the first class, and shall be considered as already organized as such, and the present officers of such districts shall continue in office during the terms for

which they were respectively elected, and no new directors shall be elected, except as provided for in Section 164 of this compilation. [Code, § 3406.]

§ 168. *Clerks—Authority of Board Concerning.*

School clerks in districts of the first class shall be deemed officers of the board of directors, which board shall have authority to elect them, prescribe their duties, fix their compensation, and determine the manner of its payment, and to fix the amount of their bonds. [Code, § 3407.]

§ 169. *Duties of Board in Districts of the First Class.*

The duties of the district school board in districts of the first class shall be:

Employ City Superintendent.

1. To employ a city superintendent of schools for the district, and to fix his term of office and compensation.

Employ Teachers, Etc.

2. To employ teachers, janitors, carpenters, etc., and to fix their compensation.

Prescribe Courses of Study.

3. To prescribe courses of study and make rules and regulations for the government of said district.

Choose Additional Text-Books—Proviso.

4. When in their judgment more systematic grading of their school requires it, to choose text-books in addition to those already authorized by the State; *provided*, that such choice shall be made at the same time as that now prescribed by law for the choice of text-books for the State; and the result of their choice shall be regularly reported to the State Board of Education, to be by them filed as in the case of other authorized text-book selections.

Create Board of Examiners; County Superintendent Chairman—Proviso.

5. To create a board of examiners for the purpose of examining all persons who may be employed to teach in said schools; and the county school superintendent of the county in which such district may be located shall be *ex officio* chairman, and the city superintendent shall also be a member; *provided*, that certificates issued by such board of examiners shall not be valid in any other district than that for which such certificates are issued; *provided, further*, that the holder of a valid certificate may be employed without further examination, at the option of the board.

Lease and Build Schoolhouses and Buy Land.

6. To lease and build schoolhouses, to buy and lease lands for school purposes, and to furnish their schoolhouses with proper furniture, libraries, light, fuel, apparatus, etc., and to sell and convey such lands and other property belonging to the district as may not, in their judgment, be required for school purposes.

To Provide Polling Places, Etc.

7. To provide for polling places in each ward in such city for all school elections, to appoint judges and clerks, and to canvass all votes and poll books, and determine the result thereof.

Annual Report to Taxpayers.

8. To make an annual printed report to the taxpayers of said district.

Determine Non-Resident Pupils and Fix Rates of Tuition.

9. To determine who are non-resident pupils and to fix the rates of tuition for such non-resident pupils.

One Modern Language May Be Taught.

10. The district school board of any school district of the first class may, upon the petition of not less than one hundred qualified electors of such school district, provide that in one or more of the common schools, to be kept in such district, any one modern language may be taught as a branch study, and a teacher employed in such school shall be educated in such language and qualified to teach the same. [Code, § 3408.]

§ 170. Regular Meetings of Board.

The board of directors of such district must provide for the time and place of its regular meetings, at any of which it may adjourn to the next succeeding regular meeting or to some specified time prior thereto, and it may be convened upon written or printed notices issued by the school clerk by order of the chairman, or upon the written request of three members of the board. [Code, § 3409.]

§ 171. Quorum.

A majority of the board of directors shall constitute a quorum to do business, but a less number may meet and adjourn from time to time and compel the presence of absent members. [Code, § 3410.]

§ 172. *Rules of Proceeding.*

The board of directors of such district may adopt rules for the government of the conduct of its members and its proceedings. It must keep a journal, and on the call of any one of its members, must cause the yeas and nays to be taken and entered upon its journal upon any question before it. [Code, § 3411.]

§ 173. *Regular Meeting After Election.*

On or before the tenth day next following any regular or special election for school officers, there must be a regular meeting of the board, at which time the newly elected officer or officers shall enter on their duties. [Code, § 3412.]

§ 174. *Qualification of Voters.*

Any person, male or female, who is a qualified voter* at school elections shall be eligible to the office of school director in such districts. [Code, § 3413.]

§ 175. *Director Only Officer to Be Elected.*

At such general or special elections in such districts, the only officer voted for shall be director. [Code, § 3414.]

§ 176. *Authority to Create Debt.*

The board of directors of such district are authorized to contract an indebtedness for the district for school purposes, but such indebtedness shall at no time exceed in the aggregate more than \$100,000; *provided*, that in cities of less than seventy-five thousand inhabitants, they shall not contract any indebtedness exceeding five per centum of the value of the taxable property of the district. [Code, § 3415.]

§ 177. *Interest on Warrants.*

No warrants drawn on the school fund in such district shall draw interest before or after presentation to the school clerk. [Code, § 3416.]

§ 178. *Bids for Supplies.*

In all such districts, when in the opinion of the board the cost of any lot of furniture, stationery, apparatus, fuel, buildings, or improvements or repairs to the same, will equal or exceed the sum of \$500, it shall be the duty of said board to give due notice by publication in at least one daily newspaper published within said corporate limits, of their intention to receive bids for such lot of furniture, stationery, etc., and they shall determine the specifications for such bids and ap-

*A "qualified voter" is defined in Section 139.

point the time and place for opening of all bids, which shall be public; and it shall be unlawful for any member of the school board to bid or to be an interested party in any bid before such board. (Code, § 3417.]

§ 179. *Course of Study.*

The course of study shall be under the entire control of the board of directors. [Code, 3418.]

§ 180. *Taxes, Assessment and Levy.*

The mode and manner and the times for assessing and collecting the taxes in such districts shall be the same as now provided by law. [Code, 3419.]

§ 181. *Reports of Clerks.*

It is hereby made the duty of all clerks of districts of the first class, whose districts lie partly within and partly without any incorporated city or town, to make to the county school superintendent of the county containing such incorporated city or town a segregated report at the time now provided for by law, showing the number of persons of school age in their respective districts living within, and also the number of persons of school age living without such incorporated city or town. [Code, 3420.]

§ 182. *What Provisions in Act Apply in Districts of First Class.*

All provisions of this act concerning the duties and powers of the school directors and school clerks in districts other than of the first class, which do not conflict with the express provisions of this chapter, shall be considered to apply to the officers of districts of the first class. [Code, § 3421.]

CHAPTER X.

COMPULSORY EDUCATION.

§ 183. *Children Between Ages of Nine and Fourteen.*

Every parent, guardian, or other person in the State of Oregon having control and charge of any child or children between and including the ages of nine and fourteen years of age, and every such child between fourteen and sixteen years of age not regularly and lawfully engaged in any useful employment, shall be required to send such child, or children, to the public schools for a term or period not less, nor more, than that of the number of months of public school held annually in the district in which such parent, guardian

or other person in parental relation, may reside; *provided*, that in the following cases children shall not be required to attend the public schools:

(a) Any child, or children, who is, or are, being taught for a like period of time in a private or parochial school, such branches as are usually taught in the first eight years in the public schools, or has, or have, already acquired the ordinary branches of learning taught in such schools, the fact of which acquisition of such ordinary branches of learning by such child, or children, shall be determined by the school board after an examination of such child, or children, by the teacher in charge of the public school in such district;

(b) Any child, or children, who is, or are, physically unable to attend school. In such cases the truant officer shall require a written statement of a competent physician certifying that such child or children is, or are, physically unable to attend school;

(c) Children between the ages of nine and ten years of age whose parents live more than one and one-half miles, and children over ten years of age whose parents live more than three miles, by the nearest traveled road, from some public school; *provided*, that, if transportation is furnished pupils in said district this exemption shall not apply;

(d) Any child, or children, who is, or are, being taught for a like period of time by a parent or private teacher, such subjects as are usually taught in the first eight years in the public schools, and the fact of the efficiency of such instruction shall be determined by the school board after an examination of such child, or children, by the eighth grade examining board of the county. [L. 1907, p. 133, § 1.]

§ 184. *Penalty.*

In case any parent or other person in parental relation shall fail to comply with the provisions of this act he shall be deemed guilty of a misdemeanor and shall, on conviction thereof, be liable to a fine of not less than \$5 nor more than \$25, or by imprisonment in the county or city jail not less than two nor more than ten days, or by both such fine and imprisonment, in the discretion of the court. [L. 1907, p. 134, § 2.]

§ 185. *District Boundary Board to Appoint Truant Officer.*

It shall be the duty of the district boundary board of each county to appoint one or more persons to act as truant officers in districts of the second and third classes, said truant officers to be under the control and under the direction of the said district boundary board. Said board shall fix

the compensation for such truant officers, which shall not exceed \$2 per day for actual service. Such compensation shall be allowed and paid in the same manner as the salaries of county officers are paid. It shall be the duty of the district school boards in districts of the first class to appoint truant officers as hereinafter provided. In districts of the first class it shall be the duty of the police authorities, at the request of the district school board of any such district, to detail one or more members of such police force to perform the duties of truant officers; but this provision shall not be construed as prohibiting such board of education from appointing any citizen, not a police officer, a truant officer. When the district school board of such district appoints a truant officer other than a police officer, said board shall fix the compensation for such truant officer and pay such officer from the public school fund of the district. The compensation for police officers shall be allowed and paid in the same manner as other incidental expenses are allowed and paid for by the city; *provided*, that no truant officer shall receive pay for services as truant officer until he shall have filed with the auditing officer or board, as may be directed, an itemized statement of time actually employed in such service; and if the service rendered was in a district of the first class the itemized statement must be approved by the city superintendent of schools of said district, and if in a district of the second or third class by the district boundary board. [L. 1907, p. 134, § 3.]

§ 186. *County Superintendent to Furnish List of Teachers.*

It shall be the duty of the county superintendent of schools to furnish each truant officer of his county, at the opening of the schools, with a list of teachers and principals employed in his district in districts of the second and third class. [L. 1907, p. 135, § 4.]

§ 187. *Truant Officer to Notify Parent.*

In case any parent or other person in parental relation shall fail to immediately send the child, or children, under his or her control, to the public school, as provided for in Section 183 of this compilation, the truant officer, upon having notice from the proper authority of such fact, shall immediately and within twenty-four hours thereafter give formal written notice in person or by registered mail, to the parent or other person in parental relation, that the child, or children, under his or her control, shall present himself or themselves at the public school on the Monday following the date of such notice, with the necessary text-books for instruction

in the public school or schools of the district. Said notice shall inform the parent or other person in parental relation that attendance must begin and that such attendance at school must be consecutive during the remainder of the school year as taught in the district. The truant officer shall, at the same time the said formal notice is given to the parent or other person in parental relation, notify the principal or teacher, if it be in a district of the third class, or city superintendent or principal if it be in a district of the first or second class, of the fact of notice and it shall be the duty of such teacher, superintendent, or principal to notify the truant officer of the failure on the part of the parent or other person in parental relation to comply with said notice. [L. 1907, p. 135, § 5.]

§ 188. *Truant Officer Shall File Complaint.*

It shall be the duty of the truant officer, after having given the formal notice hereinbefore described, to determine whether the parent or other person in parental relation, so notified, has complied with such notice, and in case he shall find that such parent or other person in parental relation has failed to comply, it shall be the duty of such officer to immediately and within three days after having knowledge of such failure, or after being notified thereof, to make a complaint against said parent or other person in parental relation having the legal charge and control of such child or children before a justice of the peace whose office is situated nearest the place where such parent or person in parental relation resides, and within the county of such residence, for such refusal or neglect to send such child or children to school. Said justice of the peace shall issue a warrant upon said complaint and shall proceed to hear and determine the same in the same manner as is provided by the statutes for other cases under his jurisdiction, and in case of conviction of any parent or other person in parental relation for violation of this act, said parent or other person in parental relation shall be punished according to the provisions of Section 184 of this compilation. [L. 1907, p. 136, § 6.]

§ 189. *Truant Officer Shall Investigate Truancy Cases.*

It shall be the duty of the truant officer in districts of the first class whenever notified by the teacher, superintendent, or other person of the violation of this act, and of the truant officer in the districts of the second and third classes when notified by the county school superintendent, to investigate all truancy or non-attendance at school, and if the child or children are not exempt from the provisions of this act under the

conditions named in Section 183, then he shall immediately proceed as provided in Sections 187 and 188 of this compilation. [L. 1907, p. 136, § 7.]

§ 190. *School Officers—Violations of This Act—Penalty.*

It shall be the duty of all school officers, superintendents, teachers and other persons upon whom a duty is placed by this act, to render such assistance and furnish such information as they may have at their command to aid such truant officers in the performance of their official duties. And should any board, officer, principal, school clerk, teacher or person upon whom a duty is placed by this act neglect to perform any duty or duties that are so imposed upon him, any taxpayer or person having parental relation to any child or children in the district may make a complaint against such board, officer, principal, teacher or person before a justice of the peace and said justice of the peace shall issue a warrant upon said complaint and shall proceed to hear and determine the same in the same manner as is provided by the statutes for other cases under his jurisdiction, and in case of conviction of any such board, officer, principal, teacher or other person for a violation of this act said officer, principal, teacher or other person shall be fined not less than \$5 nor more than \$20 for each offense. [L. 1907, p. 136, § 8.]

§ 191. *District Clerk to Provide Teachers With Census.*

In all school districts of the second and third classes it shall be the duty of the district school clerk to provide the teacher or principal at the commencement of school, in his district, with a copy of the last school census, together with the names and addresses of all parents and persons in parental relation, also the name and address of the county school superintendent. The teacher or principal shall, at the beginning of the school term and every four weeks thereafter, compare said census list with the enrollment of the school or schools under his or her charge and shall report to the secretary of the district boundary board the names and postoffice addresses of parents or other persons in parental relation whose child or children of the ages hereinbefore mentioned is or are not in regular attendance at school, and also the name or names of such child or children, and it shall be the duty of the district boundary board to forthwith notify the proper truant officer of such non-attendance or irregularity of such children. [L. 1907, p. 137, § 9.]

§ 192. *Districts of First Class—Clerk Shall Provide Superintendent With Census.*

In all districts of the first class the clerk of the district school board shall, at the commencement of school, furnish

a copy of the last school census to the city superintendent or the principal of the schools in such districts, together with the names and addresses of the truant officers whose jurisdiction is in the district, and it shall be the duty of the city superintendent or principal at the opening of school and every four weeks thereafter, to compare said census list with the enrollment of the school, or schools, and to report to the proper truant officer the names and addresses of any parent or persons in parental relation whose child or children of ages hereinbefore mentioned, are not in regular attendance at the public schools, and also the name or names of such children; *provided*, that, should a school census be taken in a school district of any class while a school is in session in such district, it shall be the duty of the clerk of such district to provide, within ten days after the completion of said census, the principal or superintendent with such school census in accordance with the provisions of Sections 191 and 192 of this compilation. [L. 1907, p. 137, § 10.]

§ 193. *To Estimate Attendance.*

In estimating regular attendance, as required in Sections 191 and 192 of this compilation, the principal or teacher must count all absences, unless such absences were excused; *provided*, that no excuse shall be accepted by any principal or teacher unless such absence was caused by the pupil's sickness or by the sickness of some member of the pupil's family, rendering it impossible for such pupil to attend school during said time. Eight unexcused one-half day absences in any four weeks the school may be in session in such district shall be called irregular attendance. [L. 1907, p. 137, § 11.]

§ 194. *Deaf and Blind—How Law Applies.*

The provisions of this act shall apply to the children entitled under existing statutes to attend school at the institution for the deaf and dumb, or the institute for the blind, so far as the same is properly enforceable. Truant officers shall at the beginning of each school month report to the county judge of their respective counties the names, ages, and residence of such children between the ages of eight and eighteen years, with the names and postoffice addresses of their parents, guardians, or the persons in charge of them; also a statement whether the parents, guardian, or person in charge of such child is able to educate and is educating the child or whether the interests of the child will be promoted by sending it to one of the State institutions mentioned. Upon information thus or otherwise obtained, the county judge may fix a time when he will hear the case, whether any such child,

or children, required to be sent for instruction to one of the State institutions mentioned, and he shall thereupon issue a warrant to the proper truant officer, or some other suitable person, to bring the child before such judge at his office at the time fixed for the hearing and shall also issue an order on the parent, guardian, or person in charge of the child to appear before him at such hearing, a copy of which order in writing shall be served personally on the proper person by the truant officer, or other person ordered to bring the child before the judge. If on the hearing, the county judge is satisfied that the child is not being properly educated at home and will be benefited by attending one of the State institutions mentioned, and is a suitable person to receive instruction therein, he may send or commit such child to such institution. The cost of such hearing and the transportation of the child to the State institution shall be paid by the county in the manner provided where a child is committed to a State reform school, if the parent or guardian is financially unable to defray the said cost; *provided*, nothing in this section shall be construed and require the trustees of either of the State institutions mentioned to receive any child not suitable to be received and instructed therein under the laws, rules and regulations governing such institutions. [L. 1907, p. 137, § 12.]

§ 195. *Joint Districts.*

In the administration of all sections of this chapter, except Section 194 of this compilation, the territory embraced in joint districts shall be deemed to lie in the county in which the schoolhouse of such district may be located. [L. 1907, p. 138, § 13.]

§ 196. *Disposition of Fines.*

All fines collected under the provisions of this act shall be paid to the county treasurer and by him placed to the credit of the school district wherein such parent or parents, guardian or other person having such charge may reside. [L. 1907, p. 138, § 14.]

§ 197. *Malicious Prosecution.*

If upon the trial of any offense as charged herein, it shall be determined that such prosecution was malicious, then the costs in such case shall be adjudged against the complainant and collected as fines in other cases. [L. 1907, p. 138, § 15.]

§ 198. *Superintendent of Public Instruction to Provide Blanks.*

It shall be the duty of the Superintendent of Public Instruction to furnish all blanks necessary for the execution of the provisions of this act. [L. 1907, p. 139, § 16.]

CHAPTER XI.

CHILD LABOR LEGISLATION.

§ 199. *Child Labor Law.*

1. No child under fourteen years of age shall be employed in any factory, store, workshop, in or about any mine, or in the telegraph, telephone, or public messenger service.

2. No child under the age of fourteen years shall be employed in any work or labor of any form, for wages or other compensation to whomsoever payable, during the hours when the public schools of the town, district, or city in which he or she resides are in session.

3. Attendance at school shall be compulsory upon all children between the ages of eight and fourteen years in all cities, towns, and villages of the State of Oregon during the whole of the school term in the city, town or village in which the child resides, and upon all children in such city, towns and villages between the ages of fourteen and sixteen years who are not employed in some lawful work.

4. No child under sixteen years of age shall be employed at any work before the hour of seven in the morning or after the hour of six at night, nor employed for longer than ten hours for any one day, nor more than six days in any one week; and every such child under sixteen years of age shall be entitled to not less than thirty minutes for mealtime at noon, but such mealtime shall not be included as part of the work hours of the day; and every employer shall post in a conspicuous place where such minors are employed, a printed notice stating the maximum work hours required in one week, and in every day of the week, from such minors.

5. No child under sixteen years of age shall be employed, permitted, or suffered to work in any employment enumerated in subdivision 1 of this section unless the person or corporation employing him procures and keeps on file and accessible to the school authorities of the district where such child resides, and to the police and board of inspectors of child labor, an age and schooling certificate as hereinafter prescribed, and keep a complete list of all such children employed therein.

6. An age and schooling certificate shall be executed, issued, and approved only by the superintendent of schools, or by a person authorized by him in writing, or, where there is no superintendent of schools, by a person authorized by the board of school directors; *provided*, that no member of a board of school directors or other person authorized as aforesaid shall

have authority to approve such certificate for any child then in or about to enter his own employment, or the employment of a firm or corporation of which he is a member, officer or employee. The person approving the certificate shall have authority to administer the oath provided for therein, but no fees shall be charged therefor.

7. An age and schooling certificate shall not be approved unless satisfactory evidence is furnished by the last school census, the duly attested transcript of the certificate of birth or baptism of such child, or other religious record, or the register of birth of such child with a town or city clerk, that such child is of the age stated in the certificate.

8. The age and schooling certificate of a child under sixteen years of age shall not be executed, approved and signed until he presents to the person authorized to execute, approve and sign the same an employment ticket issued by the Board of Child Labor Inspectors, duly filled out and signed as hereinafter prescribed. A duplicate of each age and schooling certificate shall be filled out and kept on file by the board of school directors. Any explanatory matter may be printed with such certificate, in the discretion of the board of school directors or superintendent of schools. The employment ticket and the age and schooling certificate shall be separately printed, and shall be filled out, signed and held or surrendered, as indicated in the following form:

EMPLOYMENT TICKET.

When (name of child)....., height (feet and inches)....., eyes (color)....., complexion (fair or dark)....., hair (color)....., presents an age and schooling certificate duly signed, I intend to employ (him or her) at..... (nature of occupation).
 (Signature of intending employer or agent.)
 (Town or city and date.)

AGE AND SCHOOLING CERTIFICATE.

This certifies that I am the (father, mother, guardian or custodian) of (name of child)....., and that (he or she) was born at (name of town or city)....., in the county of (name of county, if known)....., and State (or country) of....., on the (day and year of birth)....., and is now (number of years and months)..... old.
 (Signature of father, mother, guardian or custodian.)
 (Town or city and date.)

Then personally appeared before me the above named (name of person signing).....and made oath

that the foregoing certificate by (him or her) signed is true to the best of (his or her) knowledge and belief. I hereby approve the foregoing certificate of (name of child)....., height (feet and inches)....., eyes (color)....., complexion (clear or dark)....., hair (color)....., having no sufficient reason to doubt that (he or she) is of the age herein certified. I hereby certify that (he or she) can read at sight and (can or can not) write legibly simple sentences in the English language, and that (he or she) has reached the normal development of a child of (his or her) age, and is in sound health and is physically able to perform the work which (he or she) intends to do, and that (he or she) has regularly attended the public schools, or a school equivalent thereto, for not less than one hundred and sixty days during the school year previous to arriving at the age of fourteen years, or during the year previous to applying for such school record, and has received during such period instruction in reading, spelling, writing, English grammar and geography, and is familiar with the fundamental operations of arithmetic to and including fractions.

This certificate belongs to (name of child in whose behalf it is drawn).....and is to be surrendered to (him or her) whenever (he or she) leaves the service of the corporation or employer holding the same; but if not claimed by said child within thirty days from such time it shall be returned to the superintendent of schools, or, where there is no superintendent of schools, to the school committee.

(Signature of person authorized to approve and sign, with official character of authority.)

(Town or city and date.)

9. A failure to produce to the school authorities of the district where such child resides and to the police and to the board of inspectors of child labor any age and schooling certificate or list required by this act shall be *prima facie* evidence of the illegal employment of any person whose age and schooling certificate is not produced or whose name is not so listed. Any corporation or employer retaining any age and schooling certificate in violation of subdivision 4 of this section of this compilation shall be fined \$10. Every person authorized to sign the certificate prescribed by subdivision 4 of this section who knowingly certifies to any material false statement therein shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$5 and not more than \$50. The Board of Inspectors of Child Labor or any one or more of them or any one authorized by such board in writing may visit the factories, workshops, and mercantile establishments in their several towns and cities and ascertain

whether any minors are employed therein contrary to the provisions of this act, and they shall report any cases of such illegal employment to the proper school authorities and to the district attorney of the county. The Board of Inspectors of Child Labor may require that the age and schooling certificates and lists provided for, of minors employed in such factories, workshops, or mercantile establishments, shall be produced for their inspection. Complaints for offenses under this act shall be brought by the Board of Inspectors of Child Labor to the attention of the proper district attorney and offenses hereunder shall be prosecuted by such district attorney.

10. Any person or corporation who shall employ a minor contrary to the provisions of this act, or who shall violate any of the provisions thereof, shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not less than \$10 nor more than \$25 for the first offense, nor less than \$25 nor more than \$50 for the second offense, and be imprisoned for not less than ten nor more than thirty days for the third and each succeeding offense.

11. Any parent or guardian who shall violate any of the provisions of this act or allow any child under their custody or control to be employed contrary to the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$5 and not more than \$25.

12. The Board of Inspectors of Child Labor may in its discretion allow children between the ages of twelve and fourteen to be employed in any suitable work during any school vacation extending over a term of two weeks and may issue permits therefor. It shall be the duty of such board to exercise careful discretion as to the character of such employment and its effect on the physical and moral well being of the child.

13. The Board of Inspectors of Child Labor of the State of Oregon, heretofore appointed such board under the provisions of the act of which this is amendatory, are hereby appointed a Board of Inspectors of Child Labor of the State of Oregon, and shall serve without compensation. The term for which such inspectors shall serve shall be one, two, three, four and five years, respectively, from the time of their original appointment, the terms to remain as already determined by lot under said original act, and upon the expiration of the term of any one of said inspectors the Governor shall appoint his or her successor to serve for a term of five years. Appointments shall be so made that three at least of said inspectors shall always be women. [L. 1905, p. 343, C. 208.]

§ 200. *Children Under Eighteen Not to Operate Elevators.*

1. No person, firm or corporation shall employ or allow any person under the age of eighteen (18) years to run, operate, or have charge of, any elevator used for the purpose of carrying either persons or property.

2. Any person, either for himself or as manager, agent, or officer of any corporation, who is guilty of violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment. [L. 1909, p. 103, C. 54.]

CHAPTER XII.

SCHOOL LIBRARIES—OREGON LIBRARY COMMISSION.

§ 201. *How Constituted.*

The Governor shall appoint one person, who with the Governor, Superintendent of Public Instruction, president of the State University, and librarian of the Library Association of Portland shall constitute the Oregon Library Commission. The member appointed by the Governor shall be appointed for a term of five years from the first day of June, 1905, and all subsequent appointments shall be for the term of five years, except appointments to fill vacancies, which shall be made by the Governor for the unexpired term. [L. 1905, p. 104, § 1.]

§ 202. *Duties.*

The commission shall give advice to all schools, free and other public libraries, and to all communities which may propose to establish them, as to the best means of establishing and maintaining such libraries, the selection of books, cataloguing, and other details of library management. It may also purchase and operate traveling libraries, and circulate such traveling libraries within the State among communities, libraries, schools, colleges, universities, library associations, study clubs, charitable and penal institutions free of cost, except for transportation, under such conditions and rules as shall protect the interest of the State and best increase the efficiency of the service it is expected to render the public. It may publish such lists and circulars of information as it shall deem necessary, and it may also conduct a summer school of library instruction and a clearing house for periodicals for free gift to local libraries. [L. 1905, p. 104, § 2.]

§ 203. *Officers.*

The officers of the commission shall be a chairman, to be elected from the members thereof for a term of one year, and a secretary, not of its own number, to be appointed by the commission, who shall serve at the will of the commission, and under such conditions as it shall determine. It may also employ such other assistants as shall be requisite to the performance of the work of the commission, as set forth in Section 202, who shall serve upon such conditions as the commission may determine. It shall be the duty of the secretary to keep a record of the proceedings of the commission, to keep accurate account of its financial transactions, and to act under the direction of the commission in supervising the work of traveling libraries, in organizing new libraries, and improving those already established, and, in general, to perform such other duties as may be assigned him by the commission. In addition to his salary, he shall be allowed his actual and necessary traveling expenses while absent from his office upon the services of the commission. Such expenses, when approved by the chairman, or acting chairman, shall be certified under oath to the Secretary of State in the same manner as other bills incurred by the commission. No member of such commission shall be compensated for his services, but accounts for the traveling expenses of the members thereof in attending meetings or establishing libraries and other necessary incidental expenses connected with their duties may be audited by the Secretary of State, when certified by the chairman and secretary of the commission. [L. 1905, p. 105, § 3.]

§ 204. *Report—Printing.*

The commission shall make a biennial report to the Legislature on or before the first Monday in January, on library conditions and progress in Oregon, and said report shall contain an itemized statement of the expenses of the commission. Such biennial report shall be printed in the same manner and under the same regulations as the reports of the executive officers of the State. The blanks and other printed matter required by the commission shall be furnished by the Secretary of State. [L. 1907, p. 23, § 1.]

§ 205. *Secretary's Salary—Traveling Expenses, Etc.—Office and Supplies Furnished, Etc.*

The salary of the secretary shall be fixed by the commission. Traveling expenses of the commission and secretary, books and other incidental expenses of the commission shall be paid from its appropriation as determined by the commission.

Suitable offices in the State House, janitor service, office supplies and furniture shall be provided by the Secretary of State, who shall pay commission accounts for postage, express, freight, telegraph, telephone and drayage in the same manner and under the same regulations as for the executive officers of the State. [L. 1907, p. 23, § 2.]

§ 206. *Money Appropriated for Execution of This Act.*

To carry out the provisions of this act, there is hereby appropriated annually, from any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of six thousand dollars (\$6000), and any balance not expended in any one year may be added to the expenditure for any ensuing year; *provided, however*, the amount expended by the commission shall in no case exceed the amount appropriated by this act. [L. 1907, p. 23, § 3.]

§ 207. *Library Fund.*

The county court of the several counties of this State which have a population of less than 100,000 inhabitants are hereby required to levy, at the same time they levy other taxes, a tax upon all taxable property in their counties for school library purposes, which shall aggregate an amount which shall be not less than ten cents per capita for each and all the children within the county between the ages of four and twenty years, as shown by the then preceding school census, which shall be collected at the same time, and by the same officers, as other taxes are collected, and such aggregate sum, when so levied and collected, shall be known as the general school library fund of the county, and such fund shall be set aside and used for no other than school library purposes, in the manner hereinafter provided for. [L. 1905, p. 235, § 1.]

§ 208. *County Treasurer to Certify to School Superintendent.*

It is hereby made the duty of the county treasurer to certify to the county school superintendent, on the first Monday of July of each year, the total amount in the general school library fund in his hands subject to apportionment by the county school superintendent. [L. 1905, p. 235, § 2.]

§ 209. *County Superintendent to Make Apportionment.*

The county superintendent shall, upon the first Monday of July of each year, make an apportionment of the entire general school library fund, provided for in this act, then in the county treasury, in the following manner: Of the general school library fund collected in pursuance of the

general school library levy of the county court he shall apportion to each district in his county that has reported to him according to law, in proportion to the number of persons in each district over four and under twenty years of age, as shown by the last school census. When such apportionment has been made he shall immediately notify the districts of their respective shares and shall also notify the Oregon Library Commission of the amount of money apportioned to each district, and the number of school children in each district. [L. 1905, p. 235, § 3.]

§ 210. *Purchase of Books.*

Between the first Monday of July and the first Monday of August in each year, the directors of each district and the county superintendent shall select from the lists prepared and furnished by the Oregon Library Commission and according to the rules of such commission as in Section 211 provided, such books as are desired for their district, the aggregate mailing price of which shall not exceed the amount apportioned to such district from the general school library fund for the current year, and immediately upon making such selection the county superintendent shall mail a copy of the list so selected to the Oregon Library Commission; *provided*, that if the commission is not notified of such selection by the tenth day of August of each year, the commission shall make the selection for such district. As soon as the commission has obtained lists of books for all school districts selected in the manner above provided, it shall order such books from the dealer or dealers who have agreed to furnish them at the lowest price. At the time of ordering the books the commission shall notify the county superintendent of each county of the amount of money such books as have been ordered for the districts in his county will cost, including expense of transportation to each district, and upon receipt of such notice each county superintendent shall draw a warrant in favor of the Oregon Library Commission for such amount and transmit the same to the commission, who shall thereupon settle with the dealer or dealers for the books purchased. Upon the delivery of the books so ordered, the commission shall cause them to be distributed to the respective school districts according to the lists furnished by such districts. [L. 1905, p. 236, § 4.]

§ 211. *List of Suitable Books—Preparation of.*

It is hereby made the duty of the Oregon Library Commission to prepare annually lists of books suitable for use in school libraries and to make rules regulating selections

from such lists. Such lists shall state the retail and mailing price of each book, and said price shall be the lowest obtainable by the commission by receiving bids from more than one responsible dealer. It shall be the duty of the commission to furnish the county superintendent copies of such lists and rules, from time to time as issued, for distribution to school officers. [L. 1905, p. 236, § 5.]

§ 212. *Record of Books to Be Kept.*

It shall be the duty of each county superintendent to keep a complete record of the books purchased and distributed by him, together with the purchase price of said books. [L. 1905, p. 237, § 6.]

§ 213. *Librarian.*

The county superintendent shall appoint a librarian who shall receive and have the care and custody of the books, and shall loan them to the teachers, pupils, and other residents of the district, in accordance with the rules and regulations prescribed by the Oregon Library Commission for the control and management of school libraries. Each librarian shall keep a complete record of the books furnished by the board of directors. During the periods that the school is in session, the library shall be placed in the schoolhouse, and the teachers shall be responsible to the district for its proper care and protection. The district board shall have supervision of all books, and shall make an equitable distribution thereof among the schools of the district. [L. 1905, p. 237, § 7.]

§ 214. *Rules and Regulations.*

It is hereby made the duty of the Oregon Library Commission to formulate and prescribe rules and regulations not inconsistent with the provisions of this act for the control and management of all school libraries that may be purchased in accordance with this act. [L. 1905, p. 237, § 8.]

TITLE II.

HIGH SCHOOLS.

CHAPTER I.

ORGANIZATION OF DISTRICT AND COUNTY HIGH SCHOOLS.

§ 215. *Two Kinds Organized.*

For the purpose of securing greater uniformity and efficiency in the teaching of higher branches in the public schools of this State, it is hereby provided that high schools of two kinds may be organized and maintained; to be known as district high schools and county high schools. [Code, § 3428.]

§ 216. *Submission of Question to Voters.*

When one-third of the legal voters of any school district in this State shall petition the district school board, requesting that a high school be established in such district at a place named in the petition, or whenever the district school board shall, at their discretion, think proper, they shall give twenty days' notice previous to the annual school meeting or previous to a special election called for that purpose, that they will submit the question to the legal voters of said district, whether such high school shall be established and at the place specified, at which election the electors of the district shall vote by ballot for or against establishing such high school. All notices contemplated in this section shall be given as are all legal notices of special school meetings. After said election the said ballots on said question shall be canvassed by the district school board, and if a majority of all the votes cast shall be in favor of establishing a high school, it shall be the duty of said board to establish such high school, provide for its maintenance, and select suitable teachers for its various grades. [Code, § 3429.]

§ 217. *District School Board to Control.*

The district high school, being a part of the public school of the district, shall be under the control and management of the district school board, in the same way and to the same extent as it is provided by law that the lower grades of the district school shall be. The district school board shall have the power to use any part of the county or state school funds, or any funds raised by taxation of the district, for the necessary expenses of the high school; *provided*, that none of the funds of any district shall be used for the pur-

pose of maintaining a high school, unless said district shall also maintain at least eight months' instruction each year in the lower grades of the school system of this State. [Code, § 3430.]

§ 218. *Free to What Pupils.*

All district high schools shall be free to all pupils of school age in such district who pass, or may have passed successfully the eighth grade uniform final examinations. [Code, § 3431.]

Under the provisions of the union high school act of 1907, a district maintaining a high school is not required to admit a non-resident pupil into such high school upon the receipt only of the amount apportioned from the State and county fund for each pupil to the district where such pupil is enumerated. Such provision applies only to union high schools, and not to district high schools. (Report of Attorney-General, 1906-08, p. 191.)

§ 219. *County High School.*

There may be established in any county in this State one or more county high schools; *provided*, that at any general or special election held in said county, after the passage of this act, a majority of all the votes cast at such election upon the proposition to establish a county high school shall be in favor of establishing and maintaining such county high school or schools at the expense of said county. [Code, § 3432.]

§ 220. *When Question Must Be Submitted to Vote.*

The county court, at any general election to be held in any county after the passage of this act, upon the presentation of a petition signed by one hundred or more qualified electors, taxpayers of said county, must submit the question of establishing and maintaining a county high school to the qualified electors thereof. The county court, if they deem it expedient, may order a special election for such purpose. Such election shall be conducted in the manner provided by law for conducting elections. The ballots for such election shall contain the words, "For County High School—Yes;" "For County High School—No;" and the voter shall indicate his choice as provided in the Australian ballot law. Code, § 3433.]

§ 221. *County Court Must Establish.*

If the majority of all votes cast on the proposition to establish a county high school are in the affirmative, it shall be the duty of the county court, within thirty days after canvassing said vote, to locate said school in some suitable and convenient place in said county. The county court shall also estimate the cost of purchasing a suitable lot, erecting a building and furnishing the same for the accommodation of such school, with the cost of conducting such school for the next twelve months; *provided*, that the county court, or

the high school board, as herein constituted, may rent suitable rooms for the accommodation of the school. If rooms can be obtained in the public school buildings in the place in which said school shall be located, they shall be given the preference; *provided, further*, that said board may contract with the board of directors of any district in the county that now maintains, or may hereafter maintain, a school of high school grade to teach all county high school pupils at such a rate per capita, or in the aggregate, as they may deem right and just, and shall pay for the same out of the high school fund. [Code, § 3434.]

§ 222. *Special Tax to Be Levied.*

When such estimate shall have been made, the county court shall thereupon proceed to levy a special tax upon all the assessable property of the county sufficient to raise the amount estimated as necessary for purchasing a lot, procuring plans and specifications, erecting a building and furnishing the same, fencing and ornamenting the grounds, and the cost of running the said school for the next twelve months; or, if in their judgment not expedient to buy or build, they shall levy for a sum sufficient to cover the cost of conducting the county high school in connection with some contracting public school, as hereinbefore provided. Said tax shall be computed, entered upon the tax roll and collected, in the same manner as other taxes are computed, entered, and collected, and the amount so collected shall be known and designated as the "county high school fund," and shall be deposited in the county treasury, and shall be drawn therefrom as hereinafter provided. [Code, § 3435.]

§ 223. *Conveyance to County High School Board.*

When the county court shall have properly provided and completed the building, together with the necessary fencing of the lot so provided, they shall cause the same to be deeded to the county high school board, as hereinafter provided, who shall hold the same in trust for the county. [Code, § 3436.]

§ 224. *Board, How Constituted.*

Whenever it has been decided by any county at any election to maintain a county high school, a county high school board shall be organized, consisting of the county judge and the two county commissioners, the county treasurer, and the county school superintendent, who shall act in their official capacity as such board, the county judge to be *ex officio* chairman, and the county school superintendent *ex officio* secretary. The members of the board shall serve without compensation. [Code, § 3437.]

§ 225. *Duty of Board.*

It shall be the duty of the county high school board to furnish annually to the county court an estimate of the amount of money needed to pay the running expenses of said school; to employ suitable teachers, janitors, and other employees, and discharge such teachers and employees when deemed advisable by them, and to do any and all other things necessary to the proper conduct of the school. [Code, § 3438.]

§ 226. *County High School Fund.*

It shall be the duty of the county court to include in their annual tax levy an amount sufficient to maintain the county high school, and such amount, when collected, shall be paid into the county treasury, and shall be known as the "county high school fund," which fund shall be in the charge and custody of the treasurer of the county, and may be drawn therefrom in the following manner for the purpose of defraying expenses of conducting the said county high school: The high school board shall draw their order on the county court, which order shall be signed by the president and secretary of such board, whereupon the county court shall issue a warrant against the county high school fund; *provided*, that the total amount of such warrants shall not exceed the amount of money actually in the hands of the treasurer to the credit of the county high school fund. [Code, § 3439.]

§ 227. *Board May Establish More Than One School.*

In case the qualified electors of any county deem it expedient to establish and maintain more than one county high school, then such additional school or schools may be established and maintained in the manner prescribed in this act for establishing and maintaining a county high school. [Code, § 3440.]

§ 228. *Principal of High School May Be Principal of District School.*

Nothing in this act shall be construed so as to prevent the principal of the high school from acting as principal of the public school of any district in which a high school is located, if so desired by the directors of such district. [Code, § 3341.]

§ 229. *Course of Study.*

The course of study for high schools in this State shall embrace a period of four years above the eighth grade of the public schools of this State, and shall contain two years of required work, which shall be uniform in all high schools of the State. Such course of study for the two years of

required work shall be laid down by the Superintendent of Public Instruction, after due consultation with all county and district high school boards in the State. The course of study for the two years of optional work in all high schools shall be laid down by the county high school board in the county, or the district school board in case of district high schools, after due consultation with the State Superintendent of Public Instruction; *provided*, that in any high school of this State it may be provided by the directors thereof that all or part of the two years of optional work in the high school course shall be devoted to industrial training. [Code, § 3442.]

§ 230. *Industrial Training.*

In high schools where industrial training is made part of the course, the required studies and industrial training may be interspersed throughout the four years' high school work, as may be deemed best by the board of directors of such school. [Code, § 3442.]

§ 231. *High School Diplomas.*

Upon the completion of the four years' course in any high school in this State, and upon passing successfully the required examination, any pupil shall be granted a diploma or certificate, to be known as a state high school diploma; *provided*, that this section shall not be so construed as to prevent any high school from issuing a certificate or diploma to its graduates who have attended such school less than four years; but on all such certificates or diplomas shall be plainly written the number of years of high school work required for graduation by the school issuing the same. [Code, § 3443.]

§ 232. *Text-Books.*

All the text-books used in the two years' required work in high schools in this State shall be selected by the State Text-Book Commission. [Code, § 3444.]

§ 233. *Who May Be Teachers.*

All teachers employed in high schools organized under the provisions of this act shall be graduates of the state normal schools of this State, graduates of some institution of collegiate or university grade, or shall be the holder of a state certificate or diploma. [Code, § 3445.]

§ 234. *County High Schools to Be Free.*

All county high schools in this State shall be free to all pupils of school age in such county who pass or may have passed successfully the eighth grade uniform final examinations. [Code, § 3446.]

CHAPTER II.

UNION HIGH SCHOOLS.

§ 235. *Name of Act.*

This act shall be known as the Union High School Law. [L. 1907, p. 163, § 1.]

§ 236. *Meaning of "Regular School District."*

When used in this act the term regular school district means all districts heretofore organized, or those hereafter organized by the district boundary board; and union high school districts those formed in accordance with the provisions of this act; and legal voters those who can legally vote for school officers in their respective districts. [L. 1907, p. 163, § 2.]

§ 237. *Two or More Districts—How United.*

Whenever it is desired to unite two or more contiguous school districts in this State for high school purposes only, a petition from each district shall be presented to the district boundary board setting forth specifically the districts it is proposed to consolidate, and, also, the site for the location of the union high school building. If the petition is from a district of the first class, it shall contain the names of not less than one hundred legal voters; if from a district of the second class, not less than twenty-five legal voters; if from a district of the third class, not less than one-third of the legal voters. Said petitions shall request the district boundary board to direct the school boards of each district designated in the petitions to state in the notice for the next annual school meeting or election that the question of uniting said school districts for high school purposes, only, thus forming a union high school district, will be submitted. Within ten days after receiving such petitions, the district boundary board shall direct, in writing, the respective school boards of the district to be so united, to give the notices as requested in the petitions. The vote on the question is to be by ballot, and the ballots shall have written or printed thereon the words:

"For Union High School—Yes."

"For Union High School—No."

If the vote is taken in the regular school meeting the clerk shall prepare a poll list and tally sheet. The chairman of the meeting shall appoint two tellers who shall receive the votes as the clerk calls the names of the voters from the poll list. When all have voted the tellers shall count the votes and the school clerk shall keep the tally. If the vote is taken in polling places previously designated by the school board, the

judges of election shall accept the votes and the clerk of election shall record the names of the voters. If the tally sheet is kept by the school clerk, he and the tellers shall certify over their signatures that it correctly indicates the vote cast. If the tally sheet is kept by a clerk of election, the clerk and the judges shall certify to the school board the result of the vote on this question together with other questions that may be on the ballot. The tally sheet, poll list, and ballots shall be placed in a sealed package by the district clerk, who shall endorse thereon the number of the district and the date of election. Such sealed package, together with a statement of the results of the election signed by the school clerk and chairman of the school board, shall be forwarded within five days to the district boundary board, addressed to the county school superintendent as a member thereof. Within ten days after the receipt of the sealed returns from the districts the district boundary board shall open the sealed packages and canvass the votes. If the board shall determine that a majority of all votes cast on the high school subject in each district voting on such subject is in favor of uniting such districts for high school purposes, it shall immediately notify the respective school boards concerned of the result and shall declare the territory comprising such districts to be a union high school district Nos. 1, 2, 3, etc., in the order of their formation. If the district boundary board shall determine that less than a majority of all votes cast in any one of such districts is not in favor of uniting said districts for high school purposes, then said board shall immediately notify the respective school boards concerned that the proposition is defeated. The ballots, tally sheets and poll lists shall be kept on file in the office of the county school superintendent for a period of one year. [L. 1907, p. 163, § 3.]

§ 238. *Transfer of Title.*

If the site for the location for the union high school as set forth in Section 237, is a site belonging to a regular school district, and it is proposed to transfer the title of said site from the regular school district to the union high school district, on organization, then a special meeting or election shall be called to be held at least forty days before the date upon which the vote or organizing the union high school district shall be taken. Such meeting or election must be convened by a written call specifying the date of such meeting, signed by the chairman of the board and the district clerk, or a majority of the district school board; and the directors shall cause the clerk to post such written notices in three public places in such district at least ten days before

the date appointed for said meeting. The notice for said meeting must specify definitely the property to be transferred and the purpose and terms of said transfer. The vote on the question is to be by ballot and the ballot is to have written or printed thereon the words:

“For the transfer of.....property—Yes.”

“For the transfer of.....property—No.”

The vote in all respects at such meeting or election shall be taken in such district as if it were for the election of a school officer of such district, and if it shall be determined that a majority of votes cast on the subject of the transfer of the property in such district voting on such subject is in favor of transferring such property, then it shall be the duty of the board of such regular district to transfer such property to the union high school district, on the terms set out in the notice, in case the union high school district is formed. When said transfer is made, the union high school district assumes and is thereafter responsible for all unpaid debts and liabilities that may have been contracted by the regular school districts for said property, and thenceforth said property shall be under the control in all respects of the said union high school district. [L. 1907, p. 165, § 4.]

§ 239. *Board May Contract for Use of Property.*

The union high school board may for high school purposes contract with a regular school board for the use of any property belonging to the regular school district for such time and according to such conditions as may be mutually agreed upon between such boards. [L. 1907, p. 165, § 5.]

§ 240. *When Districts Lie in Two or More Counties.*

If districts to be united for high school purposes are in two or more counties, the district boundary board of the county in which the most populous district is located shall have jurisdiction in all matters pertaining to the organization and management of such districts. When so organized, a description of the boundaries shall be sent to the other county superintendent or superintendents, concerned, for record. [L. 1907, p. 165, § 6.]

§ 241. *Union High School Board—How Created.*

If a union high school is formed by uniting two districts of the third class, the school board of each of such districts shall be *ex officio* members of the union high school board. If formed by three or more districts of the third class, the member of each of such boards who has served longest since his last election, shall be *ex officio* a member of the union high

school board. If formed by any other combination of districts, the union high school board shall consist of five members, each of whom, when regularly elected, shall hold office for a term of five years, one member retiring each year, as hereinafter provided, and elected as follows:

(a) Within ten days after the creation of a union high school district, the district boundary board shall appoint, from the legal voters of said districts, five directors, who shall hold office until the next annual election, or until their successors are elected and qualified.

(b) At least ten days before the first annual school meeting, after the creation of a union high school district, the high school board, appointed by the district boundary board of such district, shall give notice that at the next annual school meeting five directors are to be elected, from the legal voters of the high school district, who shall serve one, two, three, four, and five years, respectively, the term of each to be determined by lot at the first regular meeting of the board after such election; and after the first regular election of the members of the union high school board, under this act, but one shall be elected each year and all vacancies in the board shall be filled as provided by law for districts of the first class. The election for members of the union high school board, under this act, but one shall be elected each year, and all vacancies in the board shall be filled as provided by law for districts of the first class.

(c) The election for members of the union high school board, as provided for in paragraph (b), shall be held each year at the time and in the manner provided by law for the election of directors in the districts of the first class. [L. 1907, p. 166, § 7.]

§ 242. *Organization of Board.*

The county school superintendent shall forthwith set a time for the first meeting of the union high school board formed in accordance with this act, at which time said board shall meet and organize by electing one of their number chairman and appointing a clerk from the qualified voters of the high school district from without their number to serve one year or until his or her successor is appointed and qualified. The board and clerk shall qualify by taking an oath to perform the duties of the office of director or clerk, as the case may be, of the union high school district. The clerk shall give a bond in such amount as the board may determine, but it shall not be less than double the amount of funds that may come into his hands at any one time. Clerks of union high school districts shall receive such compensation for their services

as in the judgment of their respective boards shall be adequate. In case of a tie in the election of a chairman or a clerk the county school superintendent shall cast the deciding vote. In case of a tie on any other question the school clerk shall cast the deciding vote. [L. 1907, p. 166, § 8.]

§ 243. *Meetings of Board.*

The union high school board shall hold regular monthly meetings at the high school building at such time as may be provided in the rules and regulations adopted by them for their own government. A meeting of the union high school board may be called at any time, by two members of the board serving a written notice on the other members and the clerk, at least forty-eight hours before such meeting is to be held, such notice to be left at the residence or usual place of business of such other members and clerk, or may be called by the common consent of the members of such board; provided, that the action of such board shall not be deemed lawful unless every member shall have been duly notified; *provided, further*, that the union high school board may, at its discretion, appoint an executive committee representing at least two regular districts, one of whom shall be the chairman of the board, to attend to the routine business of the board, their action to be reported to the board for ratification at its first regular meeting. [L. 1907, p. 167, § 9.]

§ 244. *Board Shall Admit Residents of Any School District.*

(a) The union high school board of any union high school district organized under this act, shall admit to the union high school under its control whenever the facilities of the school will warrant, a resident of any school district of any county concerned in such union high school district, who is properly prepared to enter such school and whose school district does not of itself or in connection with other school districts provide the high school privileges afforded by such union high school. Persons thus admitted shall be entitled to the same privileges and be subject to the same rules and regulations as pupils who are residents of regular high school districts.

(b) The school board of any regular district having a high school shall admit to the high school under its control, whenever the facilities of the school will warrant, a resident of any other school district prepared to enter such school, of any district in the county and whose school district does not provide the high school privileges offered by such high school. Persons thus admitted shall be entitled to the same privileges

and be subject to the same rules and regulations as pupils who are residents of regular high school districts.

(c) Whenever such non-resident pupil shall be admitted to such union high school, the union high school district shall be entitled and is hereby authorized to charge a tuition fee for such pupil, which said fee shall not exceed the amount apportioned on account of said pupil from the common and irreducible school funds during the preceding school year to the regular school district in which the parent or guardian of said pupil resided at the time of his or her admission to such union high school. On or before the first day of June in each year, the clerk of the union high school board shall make a sworn statement to the clerk of the regular district from which such non-resident pupil may have been admitted to such union high school. Said statement shall give the residence, name, age, date of entrance to such school, and the number of weeks of attendance during the preceding school year of such person so admitted from such regular district. Said statement shall also show the amount of tuition which, under the provisions of this act, such high school district is entitled to receive for each person so reported as having been a member of such high school from such regular district, and the aggregate sum for tuition for all persons so admitted to such union high school from such regular district, and said statement shall be filed as a claim against such regular district and allowed as other claims are allowed. Should such claim not be allowed, the county superintendent shall, at the time he makes his next regular apportionment, after satisfactory proof of such failure, deduct the amount of said claim from the amount due such district by said apportionment. When the county superintendent has made the deduction provided for in this section he shall draw a warrant on the county treasurer in favor of such union high school district for the amount deducted, and the treasurer shall pay said warrant out of the common fund of such district. The county superintendent's jurisdiction, as herein provided for, shall, in case the district be a joint district, be exercised by the county superintendent of the county in which the schoolhouse of such district may be located. The county superintendent's action in the matter shall be final. [L. 1907, p. 167, § 10.]

§ 245. *This Act Not to Prevent the Forming of County High School.*

(a) Nothing in this section shall be construed as to prevent all school districts in any county from uniting to form one or more county high schools; *provided*, that when any

school district, or union high school district, shall maintain a high school which in all respects shall be equivalent in efficiency to the county high school, which efficiency shall be determined by the district boundary board, such territory shall be exempt from a tax to support a county high school; *and provided, further*, that when any regular school district, or union high school district shall establish a high school prior to the submission of the proposition to establish a county high school, the electors of such school district, or union high school district, shall be excluded from voting upon said proposition.

(b) Nothing in this section shall be construed as to prevent a regular district maintaining a high school, or a union high school, from uniting with other districts for the purpose of organizing a high school in accordance with the legislative enactments governing the formation of county high schools. [L. 1907, p. 168, § 11.]

§ 246. *Course of Study.*

The course of study for union high schools shall be prepared by the State Board of Education, and said course of study shall embrace a course of study of not less than three years. [L. 1907, p. 169, § 12.]

§ 247. *Industrial Training.*

Any union high school board may, at its discretion, establish and maintain a department of industrial training in connection with the school under its management. The expense of maintaining such department shall be provided for in the same manner as other expenses of maintaining union high schools, and such department shall be under the management, direction and control of such board. The State Board of Education shall, so far as their other duties may warrant, give such information and assistance as may seem necessary in organizing and maintaining such department and in arranging plans and outlines of work. [L. 1907, p. 169, § 13.]

§ 248. *Creation of Regular District Not to Affect Boundary of Union High School District.*

The creation of a regular district out of the territory included in a union high school district, or the changing of the boundaries of any regular districts included in a union high school district shall not dissolve, nor otherwise change the boundaries of a union high school district. A regular school district may be united to a union high school district in the manner provided for the organization of a union high school district in Section 237 hereof; *provided*, that the union high school district shall be considered one district for such purpose. [L. 1907, p. 169, § 14.]

§ 249. *Duties of Board Enumerated.*

The duties of a union high school board shall be:

1. When legally authorized to secure land and cause to be erected thereon a suitable building.

2. They shall prepare annually an estimate of the amount of funds necessary to carry out the purposes for which the union high school district was established and shall notify the board of each school district of its proportion of such expense not later than thirty days before the date on which a district must report its tax levy to the county clerks. The basis for estimating the proportion of expense each district shall pay shall be the assessed valuation of the school district for the current year. School districts forming a part of a union high school district shall, not oftener than once a year, levy a sufficient tax not to exceed ten mills on the taxable value of the respective districts, to meet the pro rata share of expense apportioned to it by the union high school board, and should any district fail to levy such tax the high school board is hereby authorized to levy such tax on such district. Should the union high school board in any high school district fail to make the estimate provided for in this section, it shall be the duty of the district boundary board to make such estimate.

The clerk of each regular district of which the union high school district is composed shall on regular district warrants turn over the tax money as received from the county treasurer, not to exceed the amount or share of the district as apportioned to it by the union high school board, to the clerk of the union high school board, taking his receipt therefor. The clerk of the union high school shall report to the county school superintendent annually for comparison with the items of expenditure as reported by the clerks of the regular districts. When a tax is levied, the union high school board may contract a debt in the name of the district, borrowing money or by issuing warrants of the district not to exceed the amount of the levy.

3. When authorized by a majority vote of the legal voters present at any legally called meeting in a union high school district, the board of such district may, in the name and behalf of their district, contract a debt by borrowing money, or otherwise, not to exceed five per centum of the value of the taxable property of the district for the purpose of building a school building or repair of school buildings or for the purchase of land for school purposes, and issue negotiable and interest-bearing warrants (and fix the payment for the same) of their district evidencing such debt; and they may, from time to time, not oftener than once a year, levy a tax

upon the taxable property of such union high school district, to pay the interest thereon, on principal when due, which taxes shall be collected in the same manner as other school taxes are now collected by law; *provided, further*, that such directors shall call a bond election, when petitioned so to do in accordance with the provisions of the bonding act for bonding regular school districts. [L. 1907, p. 169, § 15.]

§ 250. *Clerks Shall Make Reports to County Superintendents.*

The clerks of union high school districts shall make such reports to the county school superintendent as may be required by the State Board of Education, which reports shall be included in the reports from the county superintendent to the Superintendent of Public Instruction. [L. 1907, p. 170, § 16.]

§ 251. *Principal May Act as Principal of Grammar School.*

Nothing in this act shall be construed so as to prevent the principal of the union high school from acting as principal of the grammar school of the regular school district in which the high school is located, if so desired by the board of said regular school district. [L. 1907, p. 170, § 17.]

§ 252. *Qualification of Teachers.*

All teachers employed in high schools organized under the provisions of this act shall be graduates of the state normal schools of this State, graduates of some institution of collegiate or university grade, or shall be the holder of a state certificate or diploma. [L. 1907, p. 170, § 18.]

§ 253. *Laws Governing Districts.*

All laws governing regular school districts and officers shall apply to union high school districts and officers so far as applicable. [L. 1907, p. 170, § 19.]

CHAPTER III.

GRADES ABOVE THE EIGHTH.

§ 254. *Grades Above the Eighth Grade May Be Taught, When.*

When one-third of the legal voters of a district shall petition the district board, requesting that grades above the eighth grade may be taught in such district, or whenever the district board shall in its discretion think proper, it shall give twenty days' notice previous to the annual school meeting, or previous special election called for that purpose, that it

will submit the question to the legal voters of said district whether grades above the eighth grade shall be taught in such district, at which election the electors of the district shall vote by ballot for or against establishing such grades. All notices contemplated in this section shall be given as are all legal notices of special school meetings. After said election the ballots of said question shall be canvassed by the district board, and if a majority of all the votes cast shall be in favor of establishing such grades, it shall be the duty of the district board to establish such grades and determine what branches shall be taught therein, and the course of study used by classes thus formed in districts of the second and third classes shall be that prescribed by the State Board of Education. [Code, § 3389.]

CHAPTER IV.

COUNTY HIGH SCHOOL FUND.

§ 255. *County Court to Submit Question.*

The county court, at any general election to be held in any county after the passage of this act, upon the presentation of a petition signed by ten per cent or more qualified school electors of said county, must submit the question of creating a county high school fund to the qualified electors thereof. Such election shall be conducted in the manner provided by law for conducting elections. The county clerk shall give thirty days' notice that the question will be submitted to the legal voters of the county. The ballots for such election shall contain the words, "For county high school fund—yes"; "For county high school fund—no"; and the voter shall indicate his choice as provided in the Australian ballot law. [L. 1909, p. 176, C. 115, § 1.]

§ 256. *Board, How Organized.*

Whenever it has been decided by any county, at any election, to create a county high school fund, in accordance with section 255, such fund shall be under the control of a county high school board, consisting of the county judge and the two commissioners, the county treasurer, and the county school superintendent, who shall act in their official capacity as such board, the county judge to be *ex-officio* chairman, and the county school superintendent *ex-officio* secretary. The members of the board shall serve without compensation. [L. 1909, p. 177, § 2.]

§ 257. *Board to Contract With High Schools.*

It shall be the duty of the county high school board, within thirty days after returns have been canvassed by the regular canvassing board in said county, if a county high school fund has been provided for in accordance with section 255 of this compilation, to contract with all districts that maintain a high school, in accordance with the requirements of section 261, to teach all high school pupils of said county that may attend a high school in the district. [L. 1909, p. 177, § 3.]

§ 258. *Board Must Furnish Estimates of Funds.*

The county high school board shall also make an estimate of the amount of money needed to pay the tuition of all high school pupils for the next twelve months, and submit such estimate to the county court, whose duty it shall be thereupon to levy a special tax upon all the assessable property of the county sufficient to raise the money estimated, as necessary for paying said tuition. Said tax shall be computed, entered upon the tax roll, and collected in the same manner as other taxes, and designated as the "County High School Fund," and shall be deposited in the county treasury. [L. 1909, p. 177, § 4.]

§ 259. *Warrants, How Issued.*

For the purpose of paying tuition of said high school pupils, the county high school board shall draw an order on the county treasurer, which shall be signed by the president and secretary of such board, whereupon the county treasurer shall pay such warrant and charge the same to the county high school fund; *provided*, that the total amount of such warrants shall not exceed the amount of money actually in the hands of the treasurer to the credit of the county high school fund. [L. 1909, p. 177, § 5.]

§ 260. *Distribution, Basis for.*

The basis of the distribution of the county high school fund shall be upon the average daily attendance during the school year. The total amount of money paid to any district during the school year shall not be less than \$40 per pupil for the first 20 of such average daily attendance, and \$30 for the second 20; nor more than \$12.50 per pupil for all the remaining pupils. But the total paid any district shall not exceed the amount paid by the district to the teachers employed therein. [L. 1909, p. 177, § 6.]

§ 261. *Standard for High Schools.*

It shall be the duty of the State Board of Education to prescribe rules and regulations specifying the standard that must be maintained by all high schools relative to number of months taught, number of teachers employed, number of recitation periods daily, and course of study, before any high

school shall be entitled to receive tuition for any high school pupil from the county high school fund. [L. 1909, p. 177, § 7.]

§ 262. *District Must Comply With State Rules.*

No high school shall be entitled to receive tuition for any pupil from the county high school fund, nor shall any warrant on said fund be drawn in favor of any district until the county superintendent has certified to the county high school board that the district has complied with the rules and regulations provided for in section 261. [L. 1909, p. 178, § 8.]

§ 263. *Entrance Requirements.*

No high school shall be entitled to receive tuition for any high school pupil from the county high school fund, unless such pupil holds an eighth grade diploma from some county in this State, or its equivalent from some other state; *provided*, that this section shall not apply to any pupil now enrolled in any high school. All questions at issue arising under the provisions of this section shall be determined by the county school superintendent whose decision in the matter shall be final. [L. 1909, p. 178, § 9.]

§ 264. *Pupil Must Complete Course in Residence District.*

No tuition shall be paid for a high school pupil to any district, except to the district in which his parent or guardian shall actually reside, during the time of said pupil's attendance in such district; *provided*, that tuition may be paid for a high school pupil to a district other than his residence district if the high school is not in session in the residence district of such pupil; or if such pupil has completed the course of study offered in his residence district; or if he has obtained the consent of the county high school board to attend school in a district other than his residence district. [L. 1909, p. 178, § 10.]

§ 265. *Teachers, Requirements of.*

All teachers employed in high schools in this State shall be graduates of the State Normal School of this State, graduates of some institution of collegiate or university grades, or shall be the holder of a state certificate or a state diploma. Graduates of such institutions, upon registering their degree or diploma with the county superintendent, shall be entitled to teach in high schools without any further examination. [L. 1909, p. 178, § 11.]

§ 266. *Retroactive.*

All the provisions of this act shall also apply to any county that has heretofore, in substantially the same manner as provided for in this act, established a county high school fund and provided for the distribution of the same. [L. 1909, p. 178, § 12.]

TITLE III.

TEXT-BOOKS.

CHAPTER I.

STATE TEXT-BOOK COMMISSIONERS.

§ 267. *Commissioners—How Appointed.*

In the month of January, in the year 1901, and the month of January every four years thereafter, the Governor shall appoint, from different sections of the State, a state board of five text-book commissioners, who shall hold their offices until their successors are elected and qualified. The Governor shall fill all vacancies in such board. [Code, § 3447.]

§ 268. *Circular to Book Publishers.*

In the month of February, in the year 1901, and in the month of February every six years thereafter, the State Superintendent of Public Instruction shall, under the direction of the State Board of Education, issue a circular, and mail a copy of the same to all the leading schoolbook publishers in the United States. Such circular shall contain the following:

1. The name and postoffice address of each member of the State Board of Text-Book Commissioners.
2. The time and place of meeting of the State Board of Text-Book Commissioners to adopt text-books;
3. The general form of bid to be followed by publishers in submitting text-books for adoption;
4. The general form of contract to be entered into between the State Board of Education in behalf of the State, and a publisher whose book or books may be adopted;
5. The branches of study included in the state course of studies, for schools of all grades;
6. The provisions of this act relating to the adoption of text-books;
7. Such additional facts and information as may be deemed expedient. [Code, § 3448.]

§ 269. *Sessions of Board of Commissioners.*

The State Board of Text-Book Commissioners shall meet at the State Capitol on the first Monday in June, in the year 1907, and on the first Monday in June every six years thereafter, and continue in session for a period not to exceed

fifteen days, exclusive of Sundays and other holidays, in a room to be designated by the State Board of Education. Four members shall constitute a quorum. They shall immediately organize by electing a chairman from among their number, and a competent person as secretary. No person holding a state or county office shall be elected secretary. [L. 1907, p. 24, C. 13.]

CHAPTER II.

ADOPTION OF TEXT-BOOKS.

§ 270. *How Adopted.*

When organized, as provided in this act, the State Board of Text-Book Commissioners shall adopt text-books for use in all the public schools of this State for six years. The sessions of the board shall be public, and the vote upon the selection of each text-book shall be *viva voce*, and the vote of each member shall be recorded in the minutes of the board. The adoption shall include text-books for all branches of study specified in the state course of studies for schools of all grades, and no others. At least three votes shall be necessary for choice of any text-book. [Code, § 3450.]

§ 271. *Publishers' Proposals.*

The proposals of each publisher shall be submitted to the board in writing, not later than the first day of the session of the board, and shall contain the full title of each text-book proposed to be furnished by him, the date of copyright, the price at which it can be exchanged up to the thirty-first day of December, inclusive, of the year of adoption for the corresponding text-books then in use in the common schools, the introductory price at which it will be sold to the patrons of the schools of this State up to the thirty-first day of December, inclusive, of the year of adoption; and the retail price thereafter during the period of adoption; and the proposal shall further contain an offer to furnish to the said patrons the text-books described, or any one of them, at prices, and no higher, than contained in the proposal, during the period of six years from their adoption, and to comply with the other requirements of this act. [Code, § 3451.]

§ 272. *Proposals Rejected—New Proposals.*

The said board may adopt or reject any text-book or all text-books contained in any proposal, or, if the price of any text-book in all the proposals shall be considered by the

board unreasonably high, or the book not suitable, the board may reject such text-book, and thereafter, at the same or subsequent session, receive new proposals for such books and adopt it in the same manner as above provided. No publisher shall have the right to have his proposal as to any text-book considered unless he shall have delivered to each member of the board one copy of such text-book, at least sixty days before the meeting of the board, free of cost. [Code, § 3452.]

§ 273. *Report to State Board of Education.*

When text-books have been adopted in accordance with the provisions of this act, the State Board of Text-Book Commissioners shall immediately report such adoption to the State Board of Education. Such report shall contain the full title of each book adopted, as printed therein, the date of copyright, the exchange, the introductory, and the retail price thereof, and such other facts and information as may be deemed expedient. The report shall be signed, in triplicate, by each member of the board and attested by the secretary. One copy shall be delivered to the Governor, one to the Superintendent of Public Instruction, and one retained by the chairman of the board. [Code, § 3453.]

CHAPTER III.

PUBLICATION AND USE.

§ 274. *Execution of Contracts and Requests.*

On receiving the report of the State Board of Text-Book Commissioners, the State Board of Education shall, as soon as practicable, enter into a written contract, made in triplicate, with each publisher whose book or books shall have been adopted, which contract shall require the publisher to maintain at least one depository in each county in the State, to be designated by the State Board of Education, where such book or books may be purchased; to furnish the same according to the provisions of this act, and the conditions named in the bid. One copy shall be delivered to the Governor, one to the State Superintendent of Public Instruction, and one to the publisher named therein. Acting in behalf of the State, the State Board of Education shall take from each publisher entering into a contract as herein specified a good and sufficient bond in such sum, as stipulated damages, as the said board may determine, and payable to the State of

Oregon for the benefit of the common school fund, with at least two sureties, to be approved by the State Board of Education, for the full and faithful performance of the same; and if any publisher shall neglect or fail to carry out the provisions of said contract on his part, or shall, with intent to evade said provisions, sell any of said text-books in this State at higher prices than provided for in his contract, the State Board of Education shall have power, in its discretion, on behalf of the State to rescind the said contract, and to notify the publisher thereof, or to bring the appropriate action or suit to enforce the provisions of the publisher's bond. [Code, § 3454.]

§ 275. *Circular as to Text-Books Adopted, to Be Issued.*

In the month of August, in the year 1901, and in the month of August every six years thereafter, the State Superintendent of Public Instruction shall, under the direction of the State Board of Education, issue a circular giving the full title of each book adopted by the State Board of Text-Book Commissioners, as printed therein, the date of copyright, the exchange, the introductory and the retail price thereof, and such other facts and information as may be deemed expedient. Such circular shall be sent to each county superintendent, free of cost, in sufficient quantities to enable him to supply a copy without charge to each officer in his county. [Code, § 3455.]

§ 276. *Failure of Publisher—Other or Additional Text-Books.*

If, at any time during the six years covering the adoption of text-books as herein provided, a publisher shall fail or be unable to furnish any adopted text-book, or his contract be rescinded, or, for any cause, it becomes necessary to adopt any text-book instead of or in addition to those required by the course of study in force at the time of the regular adoption, the chairman of the State Board of Text-Book Commissioners, or the Governor, may call a special session of said board, and it shall thereupon convene and adopt such text-book in the same manner as in this act provided, and the State Superintendent shall in such case cause the proper circulars and notices to be sent to publishers. [Code, § 3456.]

§ 277. *District Directors May Adopt Text-Books, When.*

In the month of July, in the year 1901, and in the month of July every six years thereafter, and at no other time, the board of directors in any district in which a high school is maintained shall adopt text-books required to complete any branch of study added by such board of directors to the branches of study specified for a state high school course. Such adoption

shall be made *viva voce*, and a majority vote of the entire board shall be necessary to a choice of any text-book, and the vote thereon of each member shall be recorded in the minutes of the board. No text-book shall be adopted as herein provided that shall be used directly or indirectly, as a substitute for any text-book adopted by the State Board of Text-Book Commissioners, or that shall, directly or indirectly, replace any such adopted text-book. [Code, § 3457.]

§ 278. *School Directors' Contract With Publishers.*

When text-books have been adopted by a board of school directors, as herein provided, such board of school directors shall, not later than thirty days after the adoption, enter into a written contract, made in triplicate, with each publisher whose book or books shall have been adopted, to maintain at least one depository in such district where such book or books may be purchased; to furnish the same according to the provisions of this act, and the conditions named in the bid. One copy shall be delivered to the State Superintendent of Public Instruction, one to the clerk of such district, and one to the publisher named therein; and the provisions of this act concerning the adoption of text-books by the State Board of Text-Book Commissioners shall apply to the adoption of additional text-books by boards of directors, as far as the same may be applicable. [Code, § 3458.]

§ 279. *Time Within Which Books Are to Be in Use.*

It is hereby made the duty of all boards of school directors to cause the text-books adopted, as provided in this act, to be introduced and used in their respective schools within fifteen months from the date of adoption. [Code, § 3459.]

§ 280. *Violations of This Law by Teachers; Effect of.*

The text-books that may be adopted under the provisions of this act, and none others, shall be used in the public schools of this State thereafter, and it shall be the duty of school officers and teachers to comply with the provisions of this act concerning the same. If any teacher shall willfully violate any of said provisions, he shall be deemed to have violated the terms of his contract with the district. Any taxpayer of a school district, or parent or guardian of a child attending a common school in any district, shall be deemed to have such a beneficial or direct interest in the enforcement of this law concerning text-books that he may bring any proper proceeding in a court of competent jurisdiction to compel the board of directors of his district, or teachers in his school, to perform the duties enjoined upon them by this act in relation to text-books. [Code, § 3460.]

CHAPTER IV.

COMPENSATION OF COMMISSIONERS AND SECRETARY.

§ 281. *Allowance for Attendance, and Mileage.*

Each member of the State Board of Text-Book Commissioners, and the secretary elected by them, shall be paid \$100 for attendance at each meeting required in this act, and a further sum of ten cents for each mile traveled in going to and returning from such meeting on the most usual route. Any claim for compensation made under the provisions of this act shall be audited by the Secretary of State and paid out of any funds in the hands of the State Treasurer not otherwise appropriated. [Code, § 3461.]

TITLE IV.

HIGHER EDUCATIONAL INSTITUTIONS.

CHAPTER I.

BOARD OF HIGHER CURRICULA.

§ 282. *Members—How Appointed.*

The Governor of the State of Oregon shall, on or before the last Monday in March, 1909, nominate and appoint, by and with the consent of the Senate, for the purpose of eliminating duplications in courses of study or departments, if any, in the higher educational institutions of the State of Oregon, a board of five members called, "The Board of Higher Curricula." The term of office of the members, commencing with the last Monday in March in which appointed, shall be five years and until the appointment and qualification of their respective successors; except that the members first appointed under this act shall be divided into five classes of one each, and the term of office of said classes so first appointed shall be respectively one, two, three, four and five years, and until their successors are appointed and qualified, and their successors in office shall continue so divided into five classes of one each, so that the term of office of one member shall expire each year; *provided*, that no member of the board, alumni, or faculty of any of the higher educational institutions shall be appointed as a member of such board. The Governor shall fill the vacancies by appointment, the appointment shall be for the residue of the term only. [L. 1909, Sp. Ses., p. 514, § 1.]

§ 283. *Officers.*

The board shall choose one of their number, a chairman, and also a secretary. [L. 1909, Sp. Ses., p. 514, § 2.]

§ 284. *Sessions of Board.*

The said board shall hold its first meeting at the Capitol on the first Monday in April, 1909, at 2 o'clock P. M., and annually thereafter, and shall continue in session at its pleasure, or may adjourn to a day certain. Special meetings shall be called by the chairman of the board on a petition signed for that purpose by any three members. A majority of the board shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. [L. 1909, Sp. Ses., p. 514, § 3.]

§ 285. *No Compensation.*

No member of the board shall receive any salary or fee for his services, with the exception of actual expenses incurred in attending meetings of the board or in the discharge of the duties of his office, which shall be paid out of the general fund of the State as all other claims against the State are paid. [L. 1909, Sp. Ses., p. 515, § 4.]

§ 286. *Expenses of Board.*

The Secretary of State shall provide room, stationery, stamps, etc., and shall audit all claims authorized by said board, certified to by the secretary and chairman of the board, and draw his warrant on the State Treasurer for the amount due thereon in favor of the person entitled thereto. [L. 1909, Sp. Ses., p. 515, § 5.]

§ 287. *Purpose of Board.*

The exclusive purpose and object of the Board of Higher Curricula shall be to determine what courses of studies or departments, if any, shall not be duplicated in the higher educational institutions of Oregon, and to determine and define the courses of study and departments to be offered and conducted by each such institution; *provided*, that no decision eliminating any course of study or department, in any institution or institutions, shall be made unless at least 20 days' notice shall have been given to the secretaries of the several boards of educational institutions affected, that such subject is to be considered in hearings granted to all institutions concerned. [L. 1909, Sp. Ses., p. 515, § 6.]

§ 288. *Determinations of Board.*

It is hereby made the duty of the Board of Higher Curricula to visit the higher educational institutions, for the purpose of inquiring as to the work offered and conducted at such institutions, whenever and as often as it may deem necessary, and to specifically determine from time to time as occasion may require what courses or departments, if any, shall not, in their judgment, be duplicated in the several higher educational institutions and may direct the elimination of duplicated work from any institution, and to determine and define the courses of study and departments to be offered and conducted by each institution. The secretary of the Board of Higher Curricula shall keep a record of such determination in a book provided by the Secretary of State for that purpose and it shall also be the duty of the secretary of said board to notify the Governor and the secretaries of the several boards of higher educational institutions of such

determination; and it shall be the duty of such institution to conform thereto; *provided*, that if any changes are made in the curricula of any institution or institutions the same shall become effective at the beginning of the school year following such determination and the governing board of the institution or institutions affected shall be notified of such change on or before May 1st preceding the date it becomes effective. [L. 1909, Sp. Ses., p. 515, § 7.]

§ 289. *Regents Must Place Data Before Board.*

It is hereby made the duty of each board of the higher educational institutions of Oregon to place before the Board of Higher Curricula any data said board may require covering all subjects taught in their respective institutions. [L. 1909, Sp. Ses., p. 516, § 8.]

§ 290. *Secretary to Notify Educational Institutions.*

It shall be the duty of the secretary of the Board of Higher Curricula to notify at least twenty days before the regular or special meetings of such board the secretaries of each of the boards of higher educational institutions of the date and place of each meeting of the Board of Higher Curricula. [L. 1909, Sp. Ses., p. 516, § 9.]

§ 291. *Institutions to Be Represented at Board Meetings.*

Each board of the higher educational institutions or any person or persons are hereby authorized to appear before the Board of Higher Curricula at any regular or special meeting for the purpose of laying before said board any data or arguments for the maintaining or elimination of any duplicated course or department. [L. 1909, Sp. Ses., p. 516, § 10.]

§ 292. *Meaning of "Higher Educational Institutions."*

Whenever the words "higher educational institutions" occur in this act such words shall be interpreted to mean the University of Oregon and the State Agricultural College. [L. 1909, Sp. Ses., p. 516, § 11.]

§ 293. *Emergency Declared.*

Inasmuch as the usual catalogues and announcements of the University of Oregon, the State Agricultural College and other educational institutions are issued during the months of May and June of each year, and inasmuch as all unnecessary duplication of courses should be eliminated before announcement for the college year 1909-10 are made, and inasmuch as continued unnecessary duplication of courses imposes an additional tax burden upon the people of the State

of Oregon, and disorganizes the educational system of the State; therefore, in order to eliminate the difficulties which have heretofore existed and do now exist in the above mentioned respects, it is hereby adjudged and declared that the provisions of this act are necessary for the immediate preservation of the public peace, health and safety, and an emergency is hereby declared to exist and this act shall be in full force and effect from and after its approval by the Governor. [L. 1909, Sp. Ses., p. 516, § 12.]

Section 13 of the act creating this board and defining its duties, repeals all acts or parts of acts in conflict with it.

CHAPTER II.

UNIVERSITY OF OREGON.

§ 294. *Government of the University.*

The general government, superintendence, and direction of said university is hereby vested in a board of regents, to be called "the regents of the university," which shall consist of nine persons, who shall be citizens and residents of the State of Oregon. [Code, § 3510.]

§ 295. *Appointment of Regents and Term.*

The regents of the university shall be appointed by the Governor, by and with the advice and consent of the senate, for the term of twelve years, and until their successors are nominated and confirmed; and all vacancies occurring in said board shall be filled in like manner for the remainder of the term, except that a vacancy occurring during a recess of the senate shall be filled by appointment by the Governor until the adjournment of the next session of the legislative assembly. [Code, § 3511.]

§ 296. *Duties of President of Board.*

The regents shall elect from their number a president of the board, who shall be called the "president of the board of regents," whose duty it is to preside at all meetings of the board, to call special meetings of the same upon the written request of any four members thereof, and to perform such other duties as may be provided by law or prescribed by the board; but if said president, for any cause, shall not be present at any meeting of said board, the members present, if a quorum, may elect a president to preside at such meeting, who shall thereupon have the power and perform the duties of the president of the board of regents during said meeting. [Code, § 3512.]

§ 297. *Meetings of the Board.*

The regents of the university shall meet semi-annually, on the first Tuesday after the third Monday in January, and on the last Tuesday prior to commencement day in June, which meetings may be adjourned from time to time, to suit the convenience of the regents and promote the discharge of the duties imposed upon them. Special meetings of the regents may be called, in the discretion of the president or upon the request of three members, at any time, provided previous written notice shall have been served by the secretary upon each member, or mailed to his address at the postoffice nearest his usual place of residence, not less than ten days before the time appointed for said meeting. All meetings of the regents, both regular and special, shall be held in the office of the president of the university at Eugene, Oregon. [L. 1909, p. 184, C. 121.]

§ 298. *Members of State Boards Must Attend Meetings.*

(a) Any member of any state board or commission appointed by the Governor, who shall fail to attend two consecutive meetings of such board or commission, whether regular, adjourned, or special, unless prevented from doing so by the serious illness of himself or family, or for any other cause that in the judgment of the Governor shall constitute a valid reason for failing to attend, shall forfeit his office, and the Governor shall immediately appoint his successor.

(b) It shall be the duty of the secretary or clerk of every state board or commission to give the members thereof at least ten days' notice, in writing, of the date and place of such meeting, and to report to the Governor the names of all members who fail to attend any meeting thereof. [L. 1909, p. 185, C 122.]

§ 299. *Secretary and Treasurer.*

The board of regents shall appoint a secretary and treasurer, who shall keep their offices at Eugene, and hold their places during the pleasure of the board. They shall receive such compensation as the board may prescribe. [Code, § 3514.]

§ 300. *Powers and Duties of the Secretary.*

The powers and duties of the secretary shall be as follows:

1. To have the custody of the books, papers, and documents belonging to the university;
2. To keep a record of the transactions of the board of regents, the acts and doings of the president of the board and the president of the university;

3. To keep full and accurate accounts of the money and other property of the university;

4. To do such other things as the board of regents may direct; but in the exercise of powers and discharge of his duties he shall be subject to the direction of said board. [Code, § 3515.]

§ 301. *Powers and Duties of Treasurer.*

The powers and duties of the treasurer shall be as follows:

1. To receive, keep, and pay out, according to the order of the board, all the money and other property of the university;

2. To keep full and accurate accounts of all such money and property;

3. To give a bond to the University of Oregon for the faithful performance of his duties, in such an amount and with such a number of sureties as the board may prescribe, to be approved by the president of the board. [Code, § 3516.]

§ 302. *Powers and Duties of Board of Regents.*

The general powers and duties of the board of regents shall be as follows:

1. To control and provide for, subject to the conditions herein made, the custody and occupation of the university grounds and buildings, and the books, papers, and documents belonging to the university;

2. To manage, control, and apply all property, of whatever nature, which may hereafter be given to or appropriated for the use, support, or benefit of the university, according to the terms and conditions of such gift or appropriation;

3. To appoint and employ a president of the university, and the requisite number of professors, teachers, and employees, and to prescribe their compensation and tenure of office or employment;

4. To demand and receive the interest mentioned in Section 309, and all sums due and accruing to the university for admission and tuition therein, and apply the same, or so much thereof as may be necessary to the payment of the compensations aforesaid, and the other current expenses of the university;

5. To prescribe a fee for admission into said university, to be applied to the payment of incidental expenses, and the rate of tuition for instruction therein;

6. To supervise the general course of instruction in the university, and to enact rules and by-laws for the government thereof, including the faculty, teachers, students, and employees therein;

7. To confer, on the recommendation of the faculty, such degrees as are usually conferred by universities, or as they shall deem appropriate; and,

8. To prescribe the qualifications for admission into the university. [Code, § 3517.]

§ 303. *Quorum of Board—Executive Committee.*

At all meetings of the board of regents, five members shall constitute a quorum, but a less number may meet and adjourn from time to time, and the powers and duties of the board may be exercised and performed during a recess of the same, by a committee thereof, to be called the executive committee, so far as the board may prescribe and direct. [Code, § 3518.]

§ 304. *No Political or Sectarian Test Allowed.*

No political or sectarian test shall ever be allowed or applied in the appointment of regents, professors, teachers, or employees of the university, nor shall the majority of the regents be, at any one time, members of any one religious denomination, or be appointed from or reside within any one county of the State. [Code, § 3519.]

§ 305. *Regents' Expenses—No Compensation.*

The regents shall not receive any compensation for their services, but they shall be allowed their actual and necessary expenses in attending the meetings of the board, to be paid as current expenses of the university. [Code, § 3520.]

§ 306. *Reports to the Governor.*

At the close of each fiscal year the president of the board of regents shall make a report to the Governor of the State, showing the transactions of the board, the progress, condition, and wants of the university, the number of professors, teachers, and students therein, the amount of receipts, disbursements and such other matters as may be deemed important. [Code, § 3521.]

§ 307. *The Faculty and Their Powers.*

The president and professors constitute the faculty of the university, and as such shall have the immediate government and discipline of it and the students therein; but in all matters connected with the government and discipline of the preparatory department, the teachers therein shall be heard and consulted. The faculty shall also have power, subject to the supervision of the board of regents, to prescribe the course of study to be pursued in the university, and the textbooks to be used. [Code, § 3522.]

§ 308. *President of University and Duties of.*

The president of the university is also president of the faculty, but whenever required by the board of regents, he shall perform the duties of a professorship; he is also the executive and governing officer of the school, except as herein otherwise provided; and, subject to the supervision of said board, he has authority to control and give general directions to the practical affairs of the school. [Code, § 3523.]

§ 309. *Fund for University Lands.*

The interest which may hereafter accrue on the fund arising from the sale of the university lands aforesaid is hereby set apart and perpetually appropriated to the maintenance, use, and support of the University of Oregon; but until otherwise provided by law, no part of said interest shall be appropriated or expended otherwise than in the payment of the salaries of its president, professors, and teachers, and other current expenses; and if at the close of any fiscal year a sum equal to \$500 of said interest shall remain unexpended or unappropriated after the full payment of such salaries and expenses for said year, the same shall be added to and become a part of the principal of said fund forever; *provided*, that the regents, the faculty, or other officer or officers of the State University shall in no case pledge the faith or credit or the university of the State in excess of the interest annually accruing on the university fund, together with the receipts from tuitions and other sources during the current year. [Code, § 3528.]

§ 310. *Permanent Appropriations.*

The sum of \$125,000 is hereby appropriated for the year 1907 and annually thereafter, for the support and maintenance of the University of Oregon; to keep the buildings, grounds, and other property thereof in repair; for the purchase of additional land for the campus thereof; for the construction of buildings and additions to the same; and for the purchase of library books, laboratory supplies and apparatus. This fund shall be paid out only on warrants drawn by the Secretary of State on the State Treasurer against said fund. This fund shall be a continuing fund and if the amount appropriated for any one year shall not be used during such year, the balance remaining shall be carried over to the next year and be added to the fund for that year, and the Secretary of State is authorized and directed to audit and allow all claims otherwise payable out of such fund, regardless of the date when contracted. [L. 1907, p. 116, C. 64.]

§ 311. *Funds for Current Expenses, How Kept.*

All funds received by the University of Oregon from any source, applicable to the payment of current expenses, shall be paid into the state treasury and by that office kept separate and apart from the other funds, and shall be paid out only on warrants of the Secretary of State, based on duly verified vouchers as other claims are paid, for the support and maintenance of the university, and the said sums of money so paid in are hereby appropriated for the purposes stated; *provided, however*, that the Secretary of State may, from time to time as may be necessary, draw his warrant in favor of the secretary of the board of regents of the university for a sum not exceeding \$250 in any one amount, but not in any event in excess of the amount paid into the state treasury as above provided, to be used for the purpose of paying for postage, expressage, freight, telegraphing, telephoning, and other incidental expenses for which payment must be made in cash; and it shall be the duty of the secretary of the board of regents to file with the Secretary of State, from time to time, itemized accounts of the expenditures of amounts so drawn by him, with accompanying vouchers therefor. [L. 1909, p. 235, C. 164.]

CHAPTER III.

*AGRICULTURAL COLLEGE.

§ 312. *Location of.*

Corvallis College, in Benton County, is hereby designated and permanently adopted as the Agricultural College of the State of Oregon, in which all students sent under the provisions of law shall be instructed in accordance with the requirements of the act of Congress, approved on the second day of July, 1862, granting public lands to the several states and territories which might provide colleges for the benefit of agriculture and the mechanic arts, and the acts amendatory thereof. [Code, § 3530.]

§ 313. *Permanent Location—Conditional Ratification of.*

The permanent location of the State Agricultural College at Corvallis, in Benton County, Oregon, be and the same is hereby ratified and confirmed; *provided, however*, that the

*NOTE: For appropriation for experiment station on arid land, see L. 1909, p. 107, C. 61.

Establishment of and appropriation for experiment station at Union, Oregon, see L. 1903, p. 152; L. 1905, p. 408; L. 1907, p. 416, C. 234; L. 1909, p. 468, C. 235.

citizens of said county shall, on or before the first day of January, 1889, have caused to be erected on the farm containing thirty-five acres in the immediate vicinity of said city, known as the agricultural college farm, brick buildings for the accommodation of the said State Agricultural College, at a cost of not less than \$20,000; and provided, further, that the said farm and buildings shall be, on or before the said first day of January, 1889, free from all liens and incumbrances whatever. [Code, § 3531.]

§ 314. *Government of the College.*

The general government of the said college shall be vested in and exercised by a board of regents, to be denominated the board of regents of the State Agricultural College of the State of Oregon, who are hereby constituted a corporation for that purpose, with power to sue and be sued; to make contracts, and to enact, and from time to time to vary and amend, all such by-laws and regulations as in their discretion shall seem necessary or proper for the benefit, development, and successful working of the said college. [Code, § 3532.]

§ 315. *Board of Regents.*

The said board of regents shall consist of thirteen members, of whom the members of the State Board of Education, and also the master of the state grange for the time being, shall be *ex officio* members. The other nine (9) members of the board shall be appointed by the Governor, by and with the advice and consent of the Senate, not more than five of which nine (9) members appointed by the Governor shall belong to the same political party. Such appointed members shall hold office as follows: Three of them shall go out of office at the end of the third year, three at the end of the sixth year, and the remaining three at the end of the ninth year from the time of the first appointment, the names of those to leave office being determined among themselves by lot. Thereafter every person appointed shall serve for the full period of nine years, or until their successors are appointed and qualified. All vacancies occurring in said board by death, resignation, or otherwise, during the recess of the Senate, shall be filled by the Governor until the next meeting of the Legislature, or until their successors are appointed and qualified. [Code, § 3533.]

§ 316. *Meetings*—Officers—Executive Committee.*

At the first meeting of the board after their appointment, the members present shall elect from their number a presi-

*NOTE: See also Section 298.

dent, treasurer, and secretary, and shall prescribe their duties, and seven (7) members shall constitute a quorum. The said board shall also appoint from its members an executive committee of five, of whom three shall constitute a quorum. The executive committee shall execute the powers and duties of the board during the recess thereof. Such committee shall keep a record of its proceedings, which shall be reported to each meeting of the board, and such record shall be at all times open to the inspection of any member of the board. [Code, § 3534.]

§ 317. *President's Report.*

The president of said board shall, once a year, make a written report to the Governor, setting forth the condition of said college, financial and otherwise, with such recommendations touching the same as he may think proper. [Code, § 3535.]

§ 318. *Course of Studies.*

The course of instruction and studies at the said college shall be prescribed by the board of regents, and shall be in accordance with the objects sought by congress in the establishment of state agricultural colleges, namely, "instruction in agriculture and the mechanical arts." [Code, § 3536.]

§ 319. *Funds, How Drawn.*

All funds applicable by law to the support of the State Agricultural College shall be drawn on warrant, issued by the Secretary of State, for the time being, on the written request of the treasurer of the board of regents, countersigned by the secretary. [Code, § 3537.]

§ 320. *Tuition—Free Scholarship.*

For the time being an admission fee and rates of tuition, such as the board of regents shall deem expedient, shall be required of each student, except as herein otherwise provided. Until the legislative assembly shall otherwise direct, each senatorial and representative district in this State shall be entitled to gratuitous instruction for as many pupils as said district now has of senators and representatives in the legislative assembly, and also each county in the State shall be entitled to one free scholarship in said college, all of whom shall be selected as follows: The school superintendent in each county shall receive and register the names of all applicants for admission nominated by the senators or representatives of that county, and shall present the same to the county court sitting for the transaction of county business, and from the applicants found to possess the requisite qualifications the

number of pupils to which such county is entitled shall be selected by lot. The persons so selected shall be residents of the county for which they are selected, and shall possess such educational and other qualifications as the board of regents may prescribe. Vacancies occurring shall also be filled by the county court as hereinbefore provided. In senatorial and representative districts composed of more than one county, the senator or representative for that district shall have the power to nominate and appoint one student for such district, who shall be received in said college on the same terms as the students appointed by the county courts. One-third of said students appointed as aforesaid may be females. [Code, § 3538.]

§ 321. *Fund for College Support.*

For the endowment, maintenance, and support of said agricultural college, there is hereby set apart and appropriated the interest on the fund which has arisen and which shall hereafter arise from the sale of all lands granted to the State of Oregon, or to which said State was entitled under the act of Congress, to provide colleges for the benefit of agriculture and the mechanic arts to the several states and territories, approved July 2, 1862, and the acts amendatory thereof, or so much thereof as may be necessary; but in no case shall the interest arising from said fund be applied to the purchase of sites, or for buildings for said agricultural college, but only in the payment of the salaries of professors, officers, and other current expenses. The remainder of such interest remaining over at the close of each fiscal year after the payment of such expenses shall be added to and become a part of the principal or endowment fund forever. [Code, § 3539.]

§ 322. *Relinquishment Accepted.*

Corvallis College, in Benton County, having signified its intention and desire to relinquish to the State the control and management of the State Agricultural College, the same is hereby accepted, to take effect at the time and in the manner provided in this act. [Code, § 3540.]

§ 323. *Continuing Fund Provided.*

In computing the annual amount of revenue necessary for State purposes, the Governor, Secretary of State, and State Treasurer, acting jointly, shall in each year, at the time they compute the amount of revenue necessary for other State purposes, also include the sum of eighty thousand dollars (\$80,000) for the annual support and benefit of the State Agricultural College, which shall be levied

and collected in the same manner as other items of expense for State purposes are levied and collected; and the fund arising therefrom shall be paid into the state treasury. This fund shall be paid out only on warrants drawn by the Secretary of State on the State Treasurer against said fund. This fund shall be a continuing fund, and if the amount raised in any year shall not be used for current expenses, etc., as herein provided during that year, the balance remaining in the hands of the Treasurer shall be carried over to the next year and added to the fund for that year. [L. 1909, p. 300, C. 205.]

§ 324. *Fund, How Drawn.*

The said fund shall be drawn quarterly by the treasurer of the board of regents, and may be used for the purposes of paying the current expenses of said college, the salaries of professors and instructors, and wages of employees; of making additions to the library and apparatus, for buildings, improvements, and repairs, and for the purchase of additional land needed for the use of said college. [Code, § 3542.]

§ 325. *Institutes for Citizens of This State.*

(a) The board of regents of the State Agricultural College is hereby authorized to hold institutes for the instruction of citizens of this State in the various branches of agriculture. Such institutes shall be held at such times and at such places as said board may direct. The said board shall make such rules and regulations as it may deem proper for organizing and conducting such institutes, and shall employ an agent or agents to perform such work in connection therewith as they may deem best. The course of instruction at such institutes shall be so arranged as to present to those in attendance results of the most recent investigations in theoretical and practical agriculture.

(b) For the purpose mentioned in the preceding section the said board may use such sum as it may deem proper, not exceeding the sum of \$2500 in any one year from the general fund. and such amount is hereby annually appropriated for that purpose. [L. 1905, p. 97, C. 34.]

CHAPTER IV.

NORMAL SCHOOLS.

§ 326. *Designation of.*

The Oregon Normal School at Monmouth, Polk County, Oregon, the Ashland College and Normal School at Ashland, in Jackson County, Oregon, and the Eastern Normal School at Weston, in Umatilla County, Oregon, are hereby declared to be state normal schools of the State of Oregon. [Code, § 3470.]

§ 327. *How Designated.*

The Ashland College and Normal School, at Ashland, Jackson County, Oregon, shall hereafter be known as the "Southern Oregon State Normal School." *The Drain Normal School at Drain, Douglas County, Oregon, shall hereafter be known as the "Central Oregon State Normal School." [Code, § 3501.]

§ 328. *Regents—Their Terms and Vacancies.*

The Governor of the State [of Oregon] shall, on or before the first Monday in July, 1907, nominate and appoint, by and with the advice and consent of the Senate for the government of the normal schools established, and which may hereafter be established, and for the performance of the duties prescribed to them, a board of nine regents, called "the board of regents of normal schools" composed of the State Board of Education as *ex officio* regents, and of six appointed regents. The term of office of the appointed regents commencing with the first Monday in July in the year in which appointed, shall be six years and until the appointment and qualification of their respective successors; except that the regents first appointed under this act shall be divided into six classes of one each, and the term of office of said classes so first appointed shall be respectively one, two, three, four, five and six years, and until their successors are appointed and qualified, and their successors in office shall continue so divided into six classes of one each, so that the term of office of one regent shall expire each year, and not more than one member of the board shall reside in each county in which is or shall be located a normal school. The Governor shall fill all vacancies by appointment, the appointment shall be for the residue of the term only. [L. 1907, p. 348, § 1.]

*The Central Oregon State Normal School was abolished by a legislative act of 1909. See Section 345.

§ 329. *Powers of Regents.*

The board of regents and their successors in office are constituted a body corporate by the name aforesaid; and may purchase, have, hold, control, possess and enjoy in trust for the State for educational purposes solely, any lands, tenements, hereditaments, goods and chattels of any nature which may be necessary and required for the purpose, objects and uses of the state normal schools authorized by law and none other, with full power to sell or dispose of such personal property or any part thereof, when in their judgment it shall be for the interest of the State; and shall possess all other powers necessary or convenient to accomplish the objects and perform the duties prescribed by law. The board of regents shall not sell, mortgage or dispose of in any way any real estate, nor borrow money without the express authority of the Legislature; nor shall they contract indebtedness nor incur liabilities to exceed at any time, in the aggregate, the amount of money which has been appropriated under the provisions of law. [L. 1907, p. 349, § 2.]

§ 330. *"Normal School Fund," Money and Tuition Collected to Constitute.*

The proceeds of the sale of any real or personal estate, and all moneys received and tuition collected under this act shall be paid to the State Treasurer to be placed in the fund known as the "normal school fund." The entire income of the normal school fund shall be placed at the disposal of the board of regents of normal schools; *provided*, that when any one normal school collects tuition, the same shall be kept in a separate fund for the use of such school. [L. 1907, p. 349, § 3.]

§ 331. *Board of Regents—President of.*

The officers of the board shall be a president and secretary, who shall severally hold office for the term of one year, and until their successors are elected and qualified. They shall be elected by the board at their annual meeting, and shall perform the duties incidental to their several offices, and such other duties as may be prescribed by the board. In the absence of the president, any member of the board may be elected president *pro tempore*. The secretary shall be chosen by the board. No member of the board shall be selected as secretary. [L. 1907, p. 350, § 4.]

§ 332. *Expenses of Members—Compensation.*

No member of the board of normal school regents shall receive any salary or fee for his services, with the exception

of traveling expenses to and from each meeting. The secretary shall be allowed such compensation as may be determined upon by the board of normal school regents, to be paid as other salaries are paid. [L. 1907, p. 350, § 5.]

§ 333. *Orders on State Treasurer—How Signed.*

The Secretary of State shall audit all claims authorized by said board certified to by the secretary and president of the board of normal school regents, and draw his warrant on the State Treasurer for the amount found due thereon in favor of the person entitled thereto, and no money shall be paid out of the treasury for the use of the normal schools of the State except upon verified claims in the manner herein provided; *provided*, that the salaries of instructors may be paid to the president of the school or person designated by the board of normal school regents upon pay roll approved by the Secretary of State. [L. 1907, p. 350, § 6.]

§ 334. *Meetings—Quorum.*

The said board shall hold an annual meeting at the Capitol on the third Wednesday in June in each year, or at such time as they may designate. Special meetings may be called by the Governor, or by the president of the board, on a petition signed for that purpose by any three regents. A majority of the regents shall constitute a quorum for the transaction of business; but a less number may adjourn from time to time. [L. 1907, p. 350, § 7.]

§ 335. *Removal of Regents—Disqualification of Officers, Etc.*

Any regent may be removed from office for cause upon a reasonable notice by a vote of two-thirds of all the regents. No regent or officer, trustee or person appointed or employed in any position or capacity connected with normal schools shall at any time be interested in any contract for erecting or furnishing any building or furnishing any supplies or act as agent of any author or publisher or dealer in school books, maps or charts, or school library books, or school furniture or apparatus, or become interested directly or indirectly in the publication, manufacture or sale of any such agent or otherwise, except solely as author or inventor, and for a violation hereof any regent shall be expelled from the board by a majority vote of the regents; *provided*, that the purchase and use of books and appliances written or invented by persons connected with any of the schools shall not be deemed to be prohibited. [L. 1907, p. 350, § 8.]

§ 336. *Accounts—How Made, Etc.*

All payment for the erection, repairs, and enlargement of any normal school building, or for fixtures or furniture there-

for, and all disbursements from the normal school fund income or appropriation made by the legislative assembly, including expenses of boards of visitors of normal schools, shall be made as prescribed by Section 333 and not otherwise; and in case of a donation no such warrant shall be issued for any part thereof until the sums donated and prescribed shall have been paid into the state treasury nor in any case until the work shall be done, the services rendered, buildings erected or fixtures or furniture purchased under the direction of said board, pursuant to a contract made with it. [L. 1907, p. 351, § 9.]

§ 337. *Objects of Schools.*

The exclusive purposes and object of each normal school shall be the instruction and training of persons, both male and female, in the theory and art of teaching, and in all the various branches that pertain to a good, common school education, and in all branches needful to qualify for teaching in the public schools, also to give instruction in the fundamental laws of the United States, and of this State, in what regards the rights and duties of citizens. [L. 1907, p. 351, § 10.]

§ 338. *Powers of Board as to Schools.*

The said board shall have the government and control of all the normal schools, and shall have power therefor:

1. To make rules, regulations and by-laws for the good government and management of the same and each department thereof.

2. To appoint a president and assistants and such other teachers and officers, and to employ such other persons as may be required for each of said schools; to fix the salary of each person so appointed or employed, and to prescribe their several duties.

3. To remove at pleasure any president, assistant or other officer or person from any office or employment in connection with any such school.

4. To purchase any needful and proper apparatus, books or articles to assist in instruction, and to provide for all necessary fuel or supplies for the conduct of such schools.

5. To prescribe a uniform course of study and the various books to be used in such schools, such books to be adopted and selected by the State Text-Book Commission acting under the state text-book law.

6. To cause notice to be given of the opening of such schools and the several terms thereof.

7. To prescribe rules and regulations for the admission of students; but every applicant for admission shall undergo an examination to be prescribed by the board, and shall be rejected if it shall appear that he is not of good moral character, or will not make an apt or good teacher.

8. To require any applicant for admission who shall prior to admission, sign and file with said board a declaration of intention to follow the business of teaching common schools in this State, to pay or to secure to be paid such fees, if any, for tuition as the board may deem proper and reasonable, no applicant to be admitted to such schools until he or she shall have signed such declaration of admission.

9. To cause lectures on any art, science or branch of literature to be delivered in any such schools on such terms and conditions as they may prescribe.

10. To confer by by-laws upon the presidents of the several normal schools the power to suspend or expel pupils for misconduct or other cause prescribed in such by-laws.

11. To confer diplomas on such persons as the faculty may recommend for graduation. [L. 1907, p. 351, § 11.]

§ 339. *Board of Visitors.*

After any state normal school shall have commenced its first term, and at least once each year thereafter, it shall be visited by three suitable persons, not members of the board, but to be appointed by the Governor, who shall examine thoroughly into the condition, organization and management of the school, and shall report to the said Governor their views in regard to its success and usefulness and any other matters they may judge expedient. Such visitors shall be appointed annually, and their report shall bear date the 30th day of June and cover the year preceding such date. [L. 1907, p. 352, § 12.]

§ 340. *Model School.*

The board of normal regents shall have power to organize in connection with each normal school, such model schools as they may deem expedient for the illustration of the best methods of teaching and government. [L. 1907, p. 352, § 13.]

§ 341. *Board Not to Exceed Appropriations.*

It is hereby made the duty of the board of regents of normal schools to limit the number of teachers and their compensation, and all other annual expenses thereof, to the amount appropriated by the Legislature for that purpose; and all expenditures made by said board, in excess of the sums so appropriated, are hereby declared to be unlawful and void,

and shall be deemed a malfeasance on the part of said board, for which the members thereof can be removed from office by the Governor; *provided*, that this section shall not be construed to apply to the members of the State Board of Education. [L. 1907, p. 353, § 14.]

§ 342. *Vacancies in Membership of Present Members.*

All members of the board of regents of the state normal schools serving at the time of the passage of this act shall continue to hold their respective offices as such members until the first Monday in July, 1907, at which time the office of said members shall become vacant. [L. 1907, p. 353, § 15.]

§ 343. *Pupils of Normal Schools and Chartered Institutions to Receive Diplomas.*

All pupils of state normal schools and chartered institutions in Oregon who graduated from such institutions before September 1, 1899, under the provisions of acts in force on February 1, 1899, shall be entitled to receive a state diploma or state life diploma on compliance with the provisions of the acts in force on February 1, 1899. [Code, § 3508.]

§ 344. *State Board to Issue.*

The State Board of Education is hereby empowered to issue state life diplomas to all such graduates on compliance with all the conditions set forth in the acts in force February 1, 1899. [Code, § 3509.]

§ 345. *Abolishment of Drain.*

The Central Oregon State Normal School, at Drain, Douglas County, Oregon, is hereby abolished, and the board of regents of normal schools is hereby authorized to convey the real property belonging to said normal school at the time of the passage of this act to the public school district in which the same lies, free of charge, for educational purposes. [L. 1909, p. 144, C. 85.]

TITLE V.

SPECIAL INSTITUTIONS.

CHAPTER I.

SCHOOL FOR DEAF-MUTES.

§ 346. *Location* and Object.*

There shall be established and permanently located at or near Salem, State of Oregon, a school, to be known as the "Oregon School for Deaf-Mutes," said school to be maintained for the instruction, discipline, employment, and general education of all deaf-mutes residing in the State of Oregon, and adjoining states and territories, as hereinafter provided. [Code, § 3543.]

§ 347. *Board of Trustees, How Constituted.*

For the purpose of carrying into effect the provisions of this act, there shall be and is hereby created a board of trustees and building commissioners, consisting of the Governor, who shall be president of the board, the Secretary of State, and the State Superintendent of Public Instruction, who shall be secretary of the board, and which said board shall be known as "the board of trustees of the Oregon School for Deaf-Mutes." [Code, § 3544.]

§ 348. *Powers of Board—Fruit and Vegetable Products, How Supplied.*

The said board of trustees shall have full power to purchase sufficient land for the use of said school, upon which said land the buildings and other improvements for the use of said school shall be located; *and it is provided, further*, that said land shall be cultivated and improved for the benefit of all state institutions located thereon, which cultivation and improvement shall be done, so far as practicable, by the inmates of such institutions under the direction and supervision of the superintendents thereof; *and it is provided, further*, that the school for the deaf-mutes and the Oregon Institute for the Blind shall be entitled to receive supplies of small fruits, vegetables, and other farm and garden products now produced, and that shall hereafter be produced upon the farm lands purchased and now owned by the State for the use of the State Insane Asylum, the Oregon State Prison, and

*An act of 1909, for removal, being temporary in its provisions, is not included in this compilation. For this act see L. 1909, p. 238, C. 167.

the State Reform School; *provided*, that such supplies shall be furnished said schools at such times and in such quantities as may be found practicable by the superintendents of the above-named state institutions, viz: the State Insane Asylum, the State Prison, and the State Reform School. [Code, § 3545.]

§ 349. *Exclusive Government in Board.*

The said board of trustees are hereby created a permanent board of management for said school, and shall have full authority and exclusive government, direction, and supervision of said school for the time being, under such rules and regulations as they may adopt, and as hereinafter provided. [Code, § 3546.]

§ 350. *Authority to Conduct Business, and Make Contracts.*

The board shall make all needful rules and regulations concerning their meetings and the modes of transacting their business, shall take charge of said institution to see that its affairs are properly conducted, that strict discipline is maintained, and that suitable employment and education are provided for its inmates. They are hereby authorized to make contracts for the purchase of furniture, apparatus, tools, stock, provisions, to build shops and other buildings, and everything necessary to equip the institution for the purpose herein specified, and to maintain and operate the same. [Code, § 3547.]

§ 351. *Custody of Records and Property.*

The said board of trustees shall have the general custody and control of the books, records, buildings, and other property of the school. All moneys, bonds, securities, lands, and other property which shall be given, transferred, or conveyed to said board of trustees by gift, devise, or otherwise, shall be taken, received, held, managed, invested, reinvested, sold, transferred, and in all respects managed, and all the proceeds thereof used, applied, and invested for the exclusive use of said school. [Code, § 3548.]

§.352. *By-Laws—Employment of Teachers and Officers—School Age.*

The said board of trustees shall have power and it shall be their duty to enact by-laws, rules, and regulations for the government of said school; to provide for the employment of a superintendent, teachers, and officers, and other employees, and fix their salaries; to fix the limit of age for admission of pupils to the school; contract for supplies, etc., and to provide for all other duties and work necessary and proper to carry out the designs of this act. [Code, § 3549.]

§ 353. *Pupils From Other States.*

The said board of trustees shall have power to prescribe the terms upon which pupils from other states and territories shall be received into said school, if the same be deemed necessary by them. [Code, § 3550.]

§ 354. *Officers and Teachers, When Appointed.*

The said board of trustees, at their first regular meeting after the passage and approval of this act, shall, if practicable and necessary, appoint a superintendent, teachers, officers, and other employees, as they may deem necessary, to manage and have charge of said institution, and to see that its affairs are properly conducted. [Code, § 3551.]

§ 355. *Salaries.*

The said board of trustees shall fix the salaries of the superintendent, teachers, officers, and other employees of the school at the time of their election or appointment by said board, and shall prescribe their duties. [Code, § 3552.]

§ 356. *Removal of Officers and Teachers.*

The said board of trustees shall have full power to remove any officer, teacher, or employee whenever in the judgment of said board such removal would be expedient, and for the best interest of the school. [Code, § 3553.]

§ 357. *Annual Election of Officers and Teachers.*

The superintendent of the school and all subordinate officers, teachers, and employees shall be elected annually by the board of trustees, and shall use their best efforts and constant endeavors to discipline, govern, instruct, employ, and advance the youth committed to their charge in such manner as, while preserving their health, will secure the promotion, as far as possible, of their physical, mental, moral, and industrious habits, regular and thorough progress, and improvement in their study, trades, and employment as far as the same may be practicable. [Code, § 3554.]

§ 358. *Bond of Superintendent—Authority of.*

The superintendent-elect of the school shall, before entering upon his duties each year, give a reasonable bond to the board of trustees, with sureties, of amount and sureties to be satisfactory to the said board of deaf-mute school trustees, conditioned that he shall faithfully perform all his duties, and account for all moneys received and paid out by him, and all property, and of the institution in his charge; he shall be a resident at the school, and shall have full charge

and supervision of all lands, shops, buildings, machinery, furniture, apparatus, tools, stock, provisions, and all other appurtenances and kinds of property belonging to the institution, subject to the direction and control of said board of trustees. [Code, § 3555.]

§ 359. *Report of Superintendent.*

It shall be the duty of the superintendent-elect of the said school to make to the said board of trustees, on or before the 31st day of December, every two years, a full and detailed report, setting forth the condition, advancement, expenses, and other necessary items and information, relative to the status of said school, which report shall be examined, and if found correct, and approved by the board of trustees, printed for the information of the legislative assembly; *and provided, further*, that said board of trustees shall submit therewith such additional report as they may deem necessary, which report shall contain their estimate of the appropriations necessary for maintaining the said school for the biennial term next ensuing. [Code, § 3556.]

§ 360. *Board Meetings—Inspection of School.*

The said board of trustees shall hold regular meetings in the State Capitol building on the first Monday of each month, and such special meetings as said board thereof may appoint. A majority of the board shall constitute a quorum, and at any regular meeting may adopt such rules and regulations as may be deemed necessary for the transaction of its business; *provided, further*, that the said board of trustees shall visit the said school once each month when practicable, and shall examine the pupils in their schoolroom, industrial work and other labor, and inspect the books and accounts of the superintendent and other officers; *provided, further*, that once in every six months, if practicable and found necessary, the said board shall make a complete inspection of the school in all of its departments, including all accounts, vouchers, books, etc., of the superintendent and other officers. For all said monthly and semi-annual visits and inspections, meetings, supervision, etc., each member of said board of trustees shall receive an annual salary of \$250 and their actual traveling expenses, which accounts shall be audited by the Secretary of State quarterly, and paid by warrants drawn on the State Treasurer. [Code, § 3557.]

§ 361. *Free Education.*

All deaf-mutes of proper age, residents of this State, shall be entitled to a free education in the said school, under the rules and regulations of the board of trustees. [Code, § 3558.]

§ 362. *Application for Admission.*

Any deaf-mute resident of this State desiring admission to the school, shall make written application to the county judge of the county where he or she resides in person, or, if a minor, by his or her parents, guardian, or next friend, showing that he or she is a resident of such county and a deaf-mute. Such judge, if he finds the facts to be as stated in such application, shall make his certificate to that effect and transmit such application and certificate to the secretary of said board of trustees, who shall file the same in his office and issue his certificate to such applicant, who shall thereupon be entitled to admission to said school, subject to the rules and regulations hereinbefore specified; *provided, further*, that all expenses occurring in the case of indigent deaf-mutes, residents of this State, shall be paid by the counties of which said indigent deaf-mutes are residents, and which expenses, including the cost of transportation, both going and coming, shall be borne by said counties. [Code, § 3559.]

§ 363. *Names of Deaf and Blind Youth to Be Reported.*

It shall be the duty of the clerks of all school districts in the State of Oregon to report to the school superintendents of their respective counties the names of all deaf, mute, or blind youth residing within their districts who are between the ages of six and fourteen years. [Code, § 3560.]

§ 364. *Specific Report by County Superintendent.*

It shall be the duty of each county school superintendent to make a full and specific report of such youth to the county commissioners of his county at the first regular meeting of said commissioners held after the first Monday of April in each year. He shall also, at the same time, transmit a duplicate copy of said report to the superintendent of the school for deaf-mutes and to the superintendent of the school for the blind at Salem, Oregon. [Code, § 3561.]

§ 365. *Information as to Admission.*

Immediately on the receipt of said duplicate reports, it shall be the duty of the superintendents of said schools for the deaf or the blind, as the case may be, to furnish each and every parent or guardian of any deaf-mute or blind person of school age with all necessary information and blanks necessary to secure admission to said institution. [Code, § 3562.]

§ 366. *Clothing and Expense of Travel.*

If it appear to the satisfaction of the county commissioners that the parents of any such deaf or blind youth within their

county are unable to bear the traveling expenses of sending him or her to said state school, or to furnish necessary clothing, it shall then be the duty of such commissioners to furnish the clothing and send him or her to such school at the expense of the county, the parent or guardian of such child consenting thereto. [Code, § 3563.]

CHAPTER II.

INSTITUTION FOR THE BLIND.

§ 367. *Government.*

The State Board of Education are hereby constituted the board of trustees of said institute, and it shall be their duty as such trustees to take charge of the funds of the institute, to provide for the proper care of the pupils, to appoint all officers and teachers, and define the duties of the same, to fix and regulate the salaries of all persons employed by them, and to make a full statement of the expenses, management and condition of the institute at each regular session of the legislative assembly. [Code, § 3564.]

§ 368. *Free Education.*

All blind persons who are residents of this State, of sound mind and in good health, shall be entitled to free education at the institute for a period of not more than two years, and the board shall further have authority to allow pupils, for special reasons, to remain for a longer period than two years. Blind persons not residents of this State, who are of sound mind and in good health, may be received as pupils on the payment of \$250 gold coin annually in advance. [Code, § 3565.]

CHAPTER III.

INSTITUTION FOR FEEBLE-MINDED.

§ 369. *Establishment.*

There shall be established an institution for the training, care and custody of feeble-minded, idiotic, and epileptic persons under the name and style of the "State Institution for Feeble-Minded." [L. 1907, p. 145, § 1.]

§ 370. *Government.*

The Governor, Secretary of State and State Treasurer shall constitute a board of trustees for said State Institution for Feeble-Minded, and shall have the entire control and management of the said institution, lands purchased for it, and its affairs, and said board may in its discretion permit any portion of said lands to be used by any other of the state institutions, until all thereof can be utilized by the said State Institution for Feeble-Minded. Said board of trustees shall establish a system of government and make all rules and regulations for the institution for the admission of inmates, enforcing discipline, imparting instruction, preserving health, and for proper physical, intellectual, and moral training of the inmates of said institution. [L. 1907, p. 145, § 2.]

§ 371. *Report to Legislature.*

The board of trustees shall submit to the legislative assembly, at the beginning of each regular session, a report covering the two years ending with the 30th day of September next preceding, showing the receipts and expenditures, the general condition of the institution, the number of its inmates, and such other matters touching the affairs of the institution as it may deem advisable. [L. 1907, p. 145, § 3.]

§ 372. *Superintendent.*

It shall be the duty of the board to appoint a superintendent, who shall be the executive officer of the board and have general management of the institution, subject to the direction of the board. Before assuming his office as superintendent of the institution for feeble-minded, he shall give a bond, the premium to be paid by the board of trustees, running to the State of Oregon, with sureties satisfactory to the board of trustees of said institution, conditioned for the faithful performance of all his duties as such superintendent and accounting for all moneys received and paid out by him, and all property and effects of the institution in his charge. And he shall make a full report to the board of trustees of all

receipts and disbursements and all property and effects in possession at the date of his report, for the two years preceding the 30th day of September preceding each regular session of the Legislature. [L. 1907, p. 145, § 4.]

§ 373. *Teachers and Employees—Appointment of.*

It shall be the duty of the superintendent to appoint, with the approval of the board, all officers, teachers, and employees deemed necessary by the board for the administration and successful operation of the institution, and to prescribe their duties, fix their salaries and remove them when in his judgment the good of the service requires. All officers, teachers, and employees shall reside at the institution, unless otherwise provided by the board of trustees, and shall be provided with rooms, furniture, light, heat and subsistence from the stores of the institution. The wife and minor children of the superintendent may reside at the school and have the same accommodations as officers, teachers, and employees. [L. 1907, p. 145, § 5.]

§ 374. *Salaries—How Paid.*

The salaries of all officers, teachers, and employees of the State Institution for Feeble-Minded shall be audited and paid in the manner provided in Chapter 99 of the General Laws of Oregon for 1905, for the payment of salaries of officers and employees of the state institutions therein mentioned, and all of the provisions of said Chapter 99 are hereby made applicable to the institution for feeble-minded. [L. 1907, p. 146, § 6.]

§ 375. *Parent or Guardian to Pay Towards Support of Child.*

The board of trustees shall, from time to time, fix such a sum, not exceeding \$40 per annum, as in the judgment of the board should be paid for the support of each inmate of said institution by his or her parent, guardian, or other person on his or her behalf, or by the county in which the person resided at the time of commitment. [L. 1907, p. 146, § 7.]

§ 376. *Inmates of School—Who Shall Be Received.*

All feeble-minded persons who are residents of the State, who, in the opinion of the superintendent of said institution, are of suitable age and capacity to receive instruction in said institution, and whose defects prevent them from receiving proper training in the public schools, and all idiotic and epileptic persons who are, and have been for a period not less than one year, residents of the State, may be admitted to their respective departments in said institution under such conditions and regulations as the board of trustees may provide. [L. 1907, p. 146, § 8.]

§ 377. *Blank Application for Admission.*

Parents, guardians, or those legally responsible for the support of any feeble-minded, idiotic or epileptic person may apply to the superintendent of the State Institution for Feeble-Minded for a blank application, which, when filled out and approved by the judge of the county court of the county in which such feeble-minded, idiotic, or epileptic person resides, and by the superintendent of said institution, may be admitted to the institution for feeble-minded. When any such person is admitted to the State Institution for the Feeble-Minded, the superintendent thereof shall certify same to the county judge of the county from which said applicant came, and also the Treasurer of the State of Oregon, whereupon the State Treasurer shall charge against the county from which said person is received such a sum as shall have been fixed by the board of trustees of the institution for feeble-minded, which shall not exceed \$40 per annum, which sum the said county shall pay to the State Treasurer each year for the credit of the general fund of the State, at the same time and in the same manner that other county obligations are paid to the State, and shall continue to pay the same so long as the said feeble-minded, idiotic or epileptic person remains in the institution. [L. 1907, p. 146, § 9.]

§ 378. *Traveling Expenses and Support of Inmates—How Paid.*

The person legally responsible for the support of any person so admitted shall provide the necessary traveling expenses of such person to the State Institution for Feeble-Minded, and shall pay annually to the county treasurer of the county in which said person resides the sum fixed by the board of trustees of said institution for the support of each inmate thereof, but if the person so liable be financially unable to pay such traveling expenses or said annual sum he shall not be required to do so, in which case the parent, guardian or next friend of such person, or an officer or taxpayer of the county in which such person resides who has made application to the superintendent of said institution for feeble-minded, which application has received the approval of the said superintendent and the county judge as hereinbefore prescribed, may make application to the county court to be relieved from such payment, and upon a decision of such court that such feeble-minded, idiotic, or epileptic person is not able to pay the expense hereinbefore provided and has no parents, guardian, or other person liable for his or her support who is able to provide the same, the court shall make and enter an order to that effect, and direct the county clerk to draw his warrant on the county

treasurer for the amount of the necessary traveling expenses of such person to be paid from the general funds of the county in favor of the person who shall transport such feeble-minded, idiotic, or epileptic person to the State Institution for Feeble-Minded. [L. 1907, p. 146, § 10.]

§ 379. *Amount for Support—How Collected.*

If parents, guardians, or those responsible for the support of any feeble-minded, idiotic, or epileptic person who are able to pay the expenses mentioned in the foregoing sections neglect or refuse to pay such expenses, the county judge shall proceed to collect the same on behalf of the county in the manner prescribed by law for the collection of debts between individuals. [L. 1907, p. 147, § 11.]

§ 380. *Board May Receive Inmates From Other State Institutions.*

The board of trustees shall have power, in its discretion, to receive any person from any other state institution of the State into the State Institution for Feeble-Minded upon the advice of a competent physician, and the recommendation of the board of trustees or superintendent of such other public institution, and to retransfer such person to the institution from which such person came, and to perform all other acts necessary to render the institution efficient for the purposes for which it is established. [L. 1907, p. 147, § 12.]

§ 381. *When Inmate Is Insane—Action of Board.*

Whenever, in the opinion of the physician and superintendent of said institution, an inmate thereof is insane, they shall make an affidavit setting forth the fact and file the same with the board of trustees of said institution, and such board of trustees shall summon one or more of the physicians of the Oregon State Insane Asylum to examine such alleged case of insanity and report his or their finding thereon to such board of trustees, and the board is hereby authorized, in its discretion, in case such physician or physicians report such inmate to be insane, to make an order transferring such inmate to the Oregon State Insane Asylum for care and treatment, and said inmate shall be transferred according to such order. [L. 1907, p. 147, § 13.]

TITLE VI.

MISCELLANEOUS PROVISIONS.

CHAPTER I.

IRREDUCIBLE FUND FOR DOUGLAS COUNTY.

§ 382. *The Douglas County School Fund.*

1. The proceeds of all gifts, devises, and bequests made by any person or persons to Douglas County for common school purposes shall be set apart as a separate and irreducible school fund, to be called "The Douglas County School Fund," the interest of which shall be applied to the support and maintenance of common schools in each school district of said county.

2. The county treasurer of said county shall be the custodian of said fund, and the bond that is required to be given as such treasurer shall include the honest and faithful performance of his duties as such custodian.

3. It shall be the duty of the county treasurer to loan said fund in the manner provided by law at no less rate than six per cent per annum, and to rent all lands owned by the county belonging to said fund, and the interest accruing from such loans and rent of said lands he shall pay to the county school superintendent, to be by him placed with the other moneys said county now receives for support of the common schools of said county, and be by him distributed with such other moneys in the manner now provided by law.

4. The judge, clerk, and treasurer of said county are hereby appointed as a board of common school fund commissioners for said county, to approve all applications for loans as to title and value of security offered, and the treasurer shall make no loan or lease any land until such board has approved the same.

5. The laws of this State governing the loaning of the irreducible common school fund of this State, so far as applicable and not in conflict with this act, shall govern the loaning of the fund created by this act.

6. All loans shall be made in the name of the treasurer of said county, but for the benefit of such fund, and said treasurer is hereby authorized to collect all sums due said fund in the manner provided by law, and to dispose of the same as hereinbefore provided.

7. No officer of said county shall charge or receive fees for any service performed in regard to said fund, but all such serv-

ices shall be without charge therefor, and all expenses of making a loan shall be paid for by the applicant.

8. The board of school fund commissioners created by subdivision 4 of this section are hereby authorized and empowered to sell and convey by deed, executed by all of said board of commissioners, any and all real property devised to Douglas County for common school purposes, whenever in the judgment of said board the interest of said school fund will be subserved by such sale, or to rent or lease the same when they deem best; and the said board are hereby authorized and empowered to invest the proceeds of such sale as hereinbefore provided in this act. [L. 1903, p. 3.]

CHAPTER II.

IRREDUCIBLE FUND FOR DISTRICT NO. 1, KLAMATH COUNTY.

§ 383. *School Fund for District No. 1.*

1. The proceeds of all gifts, devises, and bequests made by any person or persons to School District No. 1, Klamath County, Oregon, for common school purposes, for the use and benefit of said district shall be and the same is hereby set apart as a separate and irreducible school fund, to be called the Common School Fund for District No. 1, Klamath County, the interest of which shall be applied to the support and maintenance of the common schools of said school district.

2. The clerk of said School District No. 1 of Klamath County shall be custodian of said fund, and the bond that he is required to give as such clerk shall include the honest and faithful performance of his duties as such custodian.

3. It shall be the duty of the clerk of said district to loan said fund in the manner provided by law at no less than six per cent per annum, and to rent all lands owned by the district belonging to said fund, and the interest accruing from such loans and rent of said lands shall be placed by him with other school moneys for said district, and be by him distributed with such other moneys in the manner provided by law and the order of the directors or trustees of said district.

4. The directors of said School District No. 1 of Klamath County are hereby appointed as a board of common school fund commissioners for said district to approve all applications for loans as to title and value of the security offered, which shall be real property in Klamath County of at least

double the value of the loan, and the clerk of said district shall make no loan or release any security until such board has approved the same.

5. The laws of this State governing loaning of the irreducible common school fund of this State, so far as applicable and not in conflict with this act, shall govern the loaning of the fund created by this act.

6. All loans shall be made in the name of the clerk of said School District No. 1, but for the benefit of such fund, and said clerk is hereby authorized to collect all sums due said fund in the manner provided by law, to be paid out as hereinbefore provided, and the principal shall be reloaned.

7. The clerk of said district shall not charge or receive fees for any services performed in regard to said fund, but all such services shall be without charge therefor, and all expenses of making a loan shall be paid for by the applicant.

8. The board of directors of said School District No. 1, Klamath County, Oregon, are hereby authorized and empowered to sell and convey by deed, executed by all of said board of directors, any and all real property devised to said district for common school purposes, whenever in the judgment of said board the interests of said school fund will be subserved by such sale, and shall pay over the proceeds of such sale to the clerk of said district to be invested the same as other moneys belonging to said fund. [L. 1909, p. 270, C. 189.]

CHAPTER III.

DUTIES OF DISTRICT ATTORNEYS.

§ 384. *To Advise County Courts, School Superintendents, Etc.*

It is hereby made the duty of the district attorneys, and their deputies, to advise the county courts, the county school superintendents, the county clerks, the sheriffs, county assessors, and the county surveyors, in their respective districts, on all legal questions that may arise, and to prosecute and defend such counties in all actions, suits, and proceedings to which any such county may be a party, and for such services they shall receive no additional compensation other than is herein provided. [L. 1903, p. 179, § 1.]

CHAPTER IV.

EIGHTH GRADE EXAMINATIONS.

§ 385. *Superintendent of Public Instruction Shall Prepare Questions.*

It shall be the duty of the Superintendent of Public Instruction, at such time as he may deem advisable, but not oftener than three times each year, to prepare questions for use in the examinations of the pupils of the schools of this State who have completed the eighth grade in accordance with the provisions of the state course of study; to prescribe uniform rules and regulations for the conducting of such examinations; and to prepare blank certificates of graduation for pupils successfully passing such examinations according to the standard prescribed by the State Board of Education, which certificate shall be executed by the county superintendent of their respective counties; and a certificate so granted shall entitle the holder thereof to entrance into any ninth grade in the State without further examination; *provided*, that nothing in this act shall be construed as compelling district school boards to admit non-resident pupils without tuition charge. [L. 1905, p. 141, § 1.]

§ 386. *Chairman of Board Shall Conduct Examination.*

It shall be the duty of the chairman of the district board of the district in which said examination is being held to conduct said examination in person; or designate some member of his board; or the school clerk; or some person other than the teacher of the school, suggested by the county superintendent to conduct such examination in accordance with the rules and regulations prescribed by the Superintendent of Public Instruction for conducting such examination, and the person conducting the examination shall, within one day after the close of the examination, transmit the manuscripts to the county superintendent. The person conducting the examination shall receive \$2 per day for the time actually employed in conducting the examinations herein provided for, but such person shall not receive pay for more than two days for any one examination. Any claim for compensation for services under this section shall be certified to by the county superintendent and audited by the district school board, and paid out of the school fund of the district. [L. 1905, p. 142, § 2.]

§ 387. *Board of Examiners.*

For the purpose of examining and grading the manuscripts of pupils taking the examination mentioned in Sections 385

and 386, the county school superintendent may, at his discretion, appoint for each examination four persons, who, with the county superintendent, shall constitute a county board of examiners for the uniform eighth grade examinations; but no person shall be eligible for appointment as a member of said board who does not at the time of his appointment hold a valid teacher's certificate in full force and effect in said county. The county superintendent, or some member of said board appointed by him, shall be chairman of said board, and a majority shall constitute a quorum. [L. 1905, p. 142, § 3.]

§ 388. *Meeting of the Board of Examiners.*

It shall be the duty of said board of eighth grade examiners to meet at the county seat, at the call of the county superintendent, for the purpose of examining and grading the manuscripts of pupils taking such examinations in accordance with Sections 385 and 386. No questions shall be used in such examination except those prepared by the Superintendent of Public Instruction, as provided in Section 385. [L. 1905, p. 142, § 4.]

§ 389. *Results Shall Be Reported to Superintendent of Public Instruction.*

It shall be the duty of the county superintendent to report to the Superintendent of Public Instruction within two days after any meeting of the County Board of Eighth Grade Examiners, the names of all pupils passing any examination, as herein provided, together with such other facts relating to said pupils or said examination as the Superintendent of Public Instruction may require. [L. 1905, p. 143, § 5.]

§ 390. *Members of Board—Compensation.*

Each member of the eighth grade board of examiners, except the county superintendent, shall receive the sum of \$3 per day for the time actually employed in the examination herein provided for; *provided*, that no examiner shall receive pay for more than three meetings of said board in any one year, nor for more than three days at any one of such meetings. Any claim for compensation for services under this section shall be certified to by the board and audited by the county court, and paid out of the general fund of the county. [L. 1905, p. 143, § 6.]

CHAPTER V.

ARBOR DAY.

§ 391. *Arbor Day Exercises—Forest Preservation.*

The second Friday in the afternoon in April of each year shall hereafter be known throughout this State as "Arbor Day." In order that the children in our public schools shall assist in the work of adorning the school grounds with trees, and to stimulate the minds of children towards the benefits of the preservation and perpetuation of our forests, and the growing of timber, it shall be the duty of the authorities in every public school district in this State to assemble the pupils in their charge on the above day in the school building, or elsewhere, as they may deem proper, and to provide for and conduct, under the general supervision of city superintendents, county superintendents, teachers, and directors, or other school authorities having the general charge and oversight of the public schools in each city or district, to have and hold such exercises as shall tend to encourage the planting, protection, and preservation of trees and shrubs, and an acquaintance with the best methods to be adopted to accomplish such results. [Code, § 3426.]

§ 392. *Exercises Prescribed From Year to Year.*

The Superintendent of Public Instruction shall, from year to year, under and by the direction of the State Board of Education, have power to prescribe, from time to time, a course of exercises and instructions in the subjects hereinbefore mentioned in Section 391, which shall be adopted and observed by the said public school authorities on Arbor Day. [Code, § 3427.]

CHAPTER VI.

EDUCATIONAL AND SCHOOL LANDS.

[EXTRACTS FROM STATE CONSTITUTION.]

§ 393. *Superintendent of Public Instruction.*

The Governor shall be Superintendent of Public Instruction, and his powers and duties in that capacity shall be such as may be prescribed by law; but after the term of five years from the adoption of this Constitution it shall be competent for the legislative assembly to provide by law for the election of a superintendent, to provide for his compensation, and prescribe his powers and duties. [Art. VIII, § 1.]

§ 394. *Common School Fund.*

The proceeds of all the lands which have been or hereafter may be granted to this State for educational purposes (excepting the lands heretofore granted to and [aid] in the establishment of a university); all the moneys and clear proceeds of all property which may accrue to the State by escheat or forfeiture; all moneys which may be paid as exemption from military duty; the proceeds of all gifts, devises, and bequests made by any person to the State for common school purposes; the proceeds of all property granted to the State when the purposes of such grant shall not be stated; all the proceeds of the five hundred thousand acres of land to which the State is entitled by the provisions of an act of Congress entitled, "An Act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved September 4, 1841; and also the five per centum of the net proceeds of the sales of the public lands to which this State shall become entitled on her admission into the Union (if Congress shall consent to such appropriation of the two grants last mentioned), shall be set apart as a separate and irreducible fund, to be called the common school fund, the interest of which, together with all other revenues derived from the school land mentioned in this section, shall be exclusively applied to the support and maintenance of common schools in each school district, and the purchase of suitable libraries and apparatus therefor. [Art. VIII., § 2.]

§ 395. *System of Common Schools.*

The legislative assembly shall provide by law for the establishment of a uniform and general system of common schools. [Art. VIII., § 3.]

§ 396. *Distribution of School Fund.*

Provision shall be made by law for the distribution of the income of the common school fund among the several counties of the State, in proportion to the number of children resident therein, between the ages of four and twenty years. [Art. VIII., § 4.]

§ 397. *Sale of School Lands.*

The Governor, Secretary of State, and State Treasurer shall constitute a board of commissioners for the sale of school and university lands, and for the investment of the funds arising therefrom, and their powers and duties shall be such as may be prescribed by law; *provided*, that no part of the university funds, or of the interest arising therefrom, shall be expended until the period of ten years from the adoption of this Constitution, unless the same shall be otherwise disposed of by the consent of Congress for common school purposes. [Art. VIII., § 5.]

CHAPTER VII.

COUNTY SCHOOL SUPERINTENDENT IN COUNTIES HAVING TWENTY THOUSAND OR MORE SCHOOL CHILDREN.

§ 398. *Duties of Superintendent Enumerated.*

In all counties having twenty thousand or more children between the ages of four and twenty years as shown by the last annual school census, the duties of the county superintendent and the requirements of his office shall be as follows:

1. The superintendent and the county court, or the board of commissioners in counties where this board is a separate body, shall constitute a board for laying off his county in convenient school districts, such board to be styled the district boundary board. Said board shall make alterations and changes in districts when petitioned so to do, in the manner hereinafter specified; and the superintendent shall make a record showing the boundaries and numbers of all the districts in his county so established and organized. The county judge shall be *ex officio* chairman of said board, and the superintendent shall be *ex officio* secretary; except, where the board of county commissioners is a separate body the chairman of the board shall be chairman. The superintendent and two members of the county board shall constitute a quorum for the transaction of business.

2. When the district boundary board shall have established a new district, the superintendent shall notify, in writing, three of the petitioners of said district, who petitioned therefor, giving in said notice the number and boundaries thereof; and when alterations are made by the said board, the superintendent shall notify immediately, in the manner aforesaid, the directors of all the districts concerned.

3. He shall make an apportionment of the entire school fund then in the county treasury on the first Monday in October of each year, and at such other times during the year as he may deem advisable. The county school fund, collected in pursuance of the school tax levied by the county court, shall be apportioned in the following manner: In October he shall apportion \$50 to each district in his county that has reported to him as required by law. At the same time he shall apportion to each district in his county \$5 for each teacher employed by such district during the twelve months immediately preceding such apportionment who has attended, for a period of at least sixteen hours, an annual county institute or state teachers' association held during the twelve months immediately preceding the time of making such apportionment. The county superintendent shall take as evidence that such district has employed a teacher or teachers who have attended an institute or association as above described, a certificate properly signed by the secretary of such institute or association, or a certified copy thereof. It is hereby made the duty of such teachers to file with the clerk of such district a certificate, or copy thereof, as hereinbefore provided, and it shall be the duty of said clerk to file said certificate, or copy thereof, with the school superintendent of his county; *provided*, that the county school superintendent shall not credit a district with a greater number of certificates than the whole number of rooms in operation in such district at any one time during the year. The balance of the county school funds thereafter remaining in the treasury, and the amount of such funds to be apportioned at any other time shall be apportioned among the several districts in his county that have reported to him as required by law, in proportion to the total number of children resident in each district between the ages of four and twenty years, as shown by the clerk's last annual report. If at the time for making the apportionment in October there shall not be sufficient of the county school fund to make the required \$50 to each district and the \$5 for each teacher employed as hereinbefore provided he shall apportion the whole amount of such fund, in equal sums, among the several districts which have reported as required by law, and as soon thereafter as there is sufficient

amount of the county school fund on hand for that purpose, he shall apportion to each district such a sum as will make up the required \$50 and \$5 for that year. In case of joint districts the sum of \$50 herein required to be paid to each school district in a county before any part of the county school fund is otherwise apportioned, said \$50 shall be paid to said joint district by the counties in which it lies in proportion to the total number of children of school age resident in each district, between the ages of four and twenty years, as shown by the clerk's last annual report; and the \$5 for each teacher employed as hereinbefore provided shall be paid in equal proportion by each of the counties in which such district lies. On the first Monday of October of each year he shall apportion the common or irreducible school fund among the several districts in his county, in proportion to the number of children resident therein between the ages of four and twenty years. As soon as he shall have made any of the apportionments provided for in this subdivision he shall draw warrants on the county treasurer in favor of the districts for their respective shares, and transmit the same to the clerk thereof; *provided*, that the superintendent shall not issue or transmit any such warrant to the clerk of any district until the clerk's bond shall have been received, examined, and approved by the county superintendent, and filed by him in his office as a part of the records thereof. The basis of all apportionments shall be the last annual report of the several district clerks on file in his office at the time of making such apportionments.

4. He shall keep a book in which he shall open an account with the treasurer of his county, also with the several districts. He shall charge the treasurer with all the school funds going into his hands, and when the treasurer shall present to him the district clerk's receipts he shall credit the treasurer with the amount. When the superintendent shall have made any apportionment of the school funds he shall credit each district with the amount set apart to it, and on receiving the receipt of a clerk of a district from the treasurer he shall charge the amount to such district.

5. In every examination held hereafter any applicant for a teacher's county certificate shall be examined in the following named branches: Orthography, reading, writing, mental arithmetic, written arithmetic, English grammar, geography, United States history, theory of teaching, physiology and hygiene, civil government, and Oregon school law. In each county there shall be a board of examiners, composed of the county superintendent, who shall be *ex officio* chairman, and two competent persons appointed by the county superintendent

for such time within the term of his office as he may designate. Each member of said board, two of whom shall constitute a quorum, shall receive the sum of \$3 a day, except the county school superintendent, for the time actually employed in conducting the services herein provided for. Any claim for compensation of services under this act shall be certified to by the board and audited by the county court, and paid out of the general fund of the county. The county board of examiners, or any authority authorized to grant teachers' certificates or diplomas, may revoke any such certificate or diploma on the proof that the holder thereof has been guilty of gross negligence of duty, or for incompetency or immorality; but no certificate or diploma shall be revoked except by the authority granting said certificate or diploma, but the county board of examiners shall report to the authority granting said certificate or diploma the fact that it should be revoked, giving its reason therefor; *provided*, that before the county board of examiners shall revoke any such certificate or notify the authority granting such certificate or diploma that said certificate or diploma should be revoked, the person shall have due and reasonable notice of the nature of the charge against him, and shall have an opportunity to be heard before said board of examiners in person and by counsel, and to produce any witnesses he may desire; *provided*, that when the State Board of Education shall have been notified of the fact that said certificate or diploma shall be revoked no revocation shall be made by said board until the person accused shall have an opportunity to be heard before the State Board of Education in person and by counsel, but no evidence shall be considered by said board except that produced before the county board of examiners.

6. Commencing at 9 o'clock on the second Wednesday of the months of February and August, and continuing three days, the board of examiners for each county shall hold a public examination of applicants for teachers' county certificates for such county using the questions prepared by the State Board of Education, at such place in the county as may be designated by the superintendent. Neither the county board of examiners nor any member thereof shall at any time grant a private examination to any applicant for a teacher's certificate, except for a temporary permit, as hereinafter provided. At least ten days' notice by a publication in a newspaper, if there be one published in the county, shall be given by the superintendent at the expense of the county, of all examinations. The board of examiners shall issue certificates, of such general form as the State Board of Education may prescribe

to all such applicants as are found upon examination to possess a good moral character, requisite scholarship, and ability to teach and govern successfully. There shall be three grades of certificates granted by the board at its discretion, and subject to such rules and regulations as the State Board of Education may prescribe, which grades of certificates shall be as follows:

(a) Certificates of the first grade shall be granted only to those who are over eighteen years of age and have taught twelve school months with approved success; and shall be valid throughout the county for three years. To obtain the same an applicant shall make a general average of not less than ninety per cent of all branches prescribed by law, and shall not fall below seventy per cent in any one branch; *provided*, that whenever an applicant has upon two successive examinations received ninety per cent or more in one or more branches, said applicant may at the next examination thereafter be excused from examination upon such branches and be credited with the standing so earned; *provided*, that the county superintendent may endorse a first-grade certificate in force in any other county in the State without examination, and said endorsement shall render said certificate valid in his county during the validity of the original certificate; *provided*, that the county board of examiners shall have power to revoke said certificate for the same cause and in like manner as those granted by the county board of examiners in his county; *provided*, that in all cases where a certificate is endorsed it shall be registered in the office of the county superintendent who makes the endorsement in a book provided for such purpose. The date of such registration must be endorsed by the superintendent on the back of the certificate, and without such endorsement and registration no first-grade certificate shall be valid in any county except the one for which it is issued. A fee of \$1 shall be paid to the superintendent by the teacher whose certificate is registered and endorsed as herein provided, which said sum shall be paid within ninety days to the county treasurer, taking his receipt therefor. All moneys so collected shall become a part of the county institute fund.

(b) A certificate of the second grade shall be granted only to those who have attained to the age of eighteen years and have taught at least three school months with ability and success, and shall be valid throughout the county for two years. To obtain the same an applicant shall make an average of not less than eighty per cent in all branches prescribed by law, and shall not fall below sixty per cent in any one branch. Such certificate shall not be renewed, nor shall any person

be entitled to receive more than one second grade in any one county; *provided*, that more than one second grade may be issued to the same person in the county on a regular public examination as herein set forth, if such person has not had the requisite teaching experience for a first-grade certificate.

(c) A certificate of the third grade shall be issued only to those who have attained the age of eighteen years. Such certificate shall be valid for one year. To obtain the same, an applicant shall make an average of not less than seventy-five per cent in all branches prescribed by law, and shall not fall below sixty per cent in any one branch. Such certificate shall not be renewed, nor shall any person be entitled to receive any more than one third-grade certificate in any one county; *provided*, that more than one third-grade certificate may be issued to the same person on a regular examination as herein set forth, if such person has not had the requisite teaching experience required for a second-grade certificate.

(d) A certificate to be known as a "Primary Certificate" shall be issued to those who are over eighteen years of age and have taught at least twelve school months with approved success, and shall be valid throughout the county for three years. To obtain the same, an applicant shall make an average of not less than eighty-five per cent and shall not fall below seventy per cent in any one branch of the subjects: Reading, writing, orthography, arithmetic, physiology, geography, art of questioning, theory of teaching, and methods, which certificate shall authorize the bearer to teach in the primary grades of the county not beyond the third grade; *provided*, that such teacher shall only be authorized to teach in a graded school as assistant teacher.

(e) A temporary permit may be issued by the county superintendent in case of necessity, valid only in the county where issued, until the next regular public examination held by the county board of examiners for such county; *provided*, that such permit may be granted without a written examination to the holder of the certificate, valid in any county in the State, who is entitled to the same, or to a holder of a certificate valid in any other State, when the applicant for the same shall present satisfactory testimonials of his good character and success as a teacher; but no permit shall be issued to any person not coming within the provisions of this proviso, except on a written examination equivalent to that required for a third-grade certificate. A teacher shall not be entitled to receive more than two temporary permits in a county, nor shall an applicant who failed at the last regular public examination held by the board of examiners for any

county be entitled to receive a temporary permit for that or any other county in the State; *provided*, that a fee of two dollars and fifty cents (\$2.50) for each temporary permit shall be paid by the applicant to the county school superintendent, who shall pay the same to the county treasurer, taking his receipt therefor; and all such fees shall be credited to the county institute fund. A county board of examiners may accept in lieu of an examination on any branch for a county certificate or permit, any grade, certified to by the Superintendent of Public Instruction, that an applicant may have received from the State Board of Examiners during the eighteen months immediately preceding the date of accepting such grades; *providing*, that no grade shall be accepted less than that prescribed for the county certificate or permit for which the application is made.

7. All examination papers shall be kept on file in the county superintendent's office as a part of the record thereof for one year from the date of such examination; *provided*, that in case of accepted grades from the State Board of Examiners the manuscript of such accepted grades shall not be kept on file in the county superintendent's office.

8. On the first day of any examinations herein provided for, each applicant for a county teacher's certificate shall pay to the county school superintendent a fee of \$2, which shall be paid by him, within fifteen days, to the county treasurer, taking his receipt therefor. All moneys so received by the county treasurer shall become a part of the county institute fund; *provided*, that in no case in which an applicant shall fail to receive a certificate shall a fee be refunded.

9. He shall submit the questions prepared by the State Board of Examiners to applicants for state papers, according to such rules and regulations, and at such time as may be prescribed by the State Board of Education, and shall conduct the examination, and shall immediately at the close of the examination transmit all such examination papers, unmarked, to the State Superintendent of Public Instruction, who shall submit them to the State Board of Examiners for grading.

10. He shall visit the schools in his county at least twice every year, and seek to instruct, aid, and inspire teachers to employ the best methods in teaching, governing, and conducting their schools; and he shall, if necessary, secure the proper classification of pupils, enforcement of the course of study, and the care and protection of school property.

11. He shall carefully study methods of school management and instruction, and shall exercise a careful supervision

over the schools of the county. He shall study to awaken among parents and children a deeper interest in the public schools, so as to secure improved attendance, deportment, and scholarship of pupils, and more frequent visits of parents and school directors. He shall carefully observe the condition of the schoolhouses and surroundings, note all defects, and notify the board of directors of the same.

12. He shall require and receive reports monthly from the principal or teacher in charge of each school, showing the registration, attendance, tardiness, and such other information as will aid in efficient school supervision. He shall receive the reports of all districts in his county, and shall, by the fourth Monday in July of each year, make out from the records in his office, a general report, adding such suggestions thereto as he may deem of importance to the cause of education, and transmit the same to the Superintendent of Public Instruction, retaining a copy thereof in his office.

13. He shall organize and assist in conducting teachers' reading circles for the study of school management and the art of teaching.

14. He shall keep in a suitable book or on suitably indexed cards an official record of all persons under contract to teach in his county, showing the number of school district and the date of the contract, the names of the contracting parties, the salary paid, the date of commencing school thereof, and the length of the term in weeks.

15. He shall keep in a suitable book or on indexed cards the name of each teacher holding a certificate or diploma issued, registered or endorsed by the county superintendent of the county. The record shall show the kind of certificate or diploma, date issued, date of expiration, and, if issued outside of the county, the date of registration or endorsement, as the case may be.

16. He shall make special report of important matters relating to public schools in his county when necessary and when required by the Superintendent of Public Instruction.

17. He shall enforce the course of study for county schools prescribed by law.

18. He shall hear, examine and decide appeals from district officers and teachers, without cost to the appellant, and subject to an appeal to the Superintendent of Public Instruction.

19. He shall advise and consult with boards of directors relative to the construction, warming, ventilation and arrangement of schoolhouses; the seating of pupils, the selection of suitable library books and apparatus, the improving and adorning of school grounds, methods of instruction and

discipline in the schools and the conditions of schoolhouses, sites and outbuildings and appendages of the district generally.

20. He shall have power to appoint a deputy whenever the same may become expedient and necessary, but no salary shall be paid such deputy out of the public school fund or the general fund of the county.

21. He shall use a uniform series of blank reports, registers, receipts, etc.

22. He shall organize and hold at least three local institutes or educational meetings in various parts of the county each year at such times and places as he may deem most expedient, and he shall secure at these meetings, as far as practicable, the attendance and co-operation of school officers, teachers and parents.

23. The county superintendent shall hold annually a teachers' county institute, for a term of not less than three days, for the instruction of teachers and those desiring to teach; and all teachers in the public schools of his county shall be required to attend; and the county school superintendent may at his discretion revoke the certificate, reduce the grade or refuse to grant a certificate to any teacher who refuses to attend the county institute without cause. The county superintendent shall receive the assistance and co-operation of the Superintendent of Public Instruction in holding annual institutes. Every teacher attending any annual county institute held in accordance with the provisions of this act shall be given by the county superintendent a certificate setting forth at what sessions of said institute such teachers shall have been in attendance, and any teachers who shall have closed his or her school for more than three days in order to attend said institute shall not forfeit his or her wages as teacher during such time, as he or she shall have been in attendance at said institute, and the certificate hereinbefore provided for shall be in evidence of such attendance; *provided*, that if the institute is held during the session of school, such directors shall be required to grant three days' time of actual service to their teachers to attend the said institute, during which time their pay as teachers shall continue. For the purpose of defraying the expenses of the institute the county superintendent shall draw an order on the county treasurer for such sum as may be necessary to defray the expenses of said institute, which sum the county treasurer shall pay; *provided*, that such sum shall not exceed the amount of institute fund in the county treasury. The county clerk shall audit the annual county institute account of the county superintendent, which account shall be filed in the county clerk's office.

24. Every member of a board of directors or district clerk who shall willfully sign a false report to a county school superintendent with the intent of causing such superintendent to apportion a larger sum than its just proportion of school moneys to his school district, shall be deemed guilty of a misdemeanor, and such district shall also forfeit for each offense the sum of twenty-five (\$25) dollars of its proportion of the county school fund. Such penalties and any fines which shall be imposed for such misdemeanor are for the benefit of the common school fund of the county. The county superintendent shall examine into the correctness of the reports of the district clerks, and when a report is incorrect the county superintendent may correct or cause the clerk to correct said report, and in case the board of directors and district clerk are not satisfied with the county superintendent's ruling relative to the correctness of the report, they may appeal to the county court, which is hereby authorized to decide as to the correctness of the report; and the decision of said court shall be final. [L. 1905, p. 50, C. 3.]

§ 399. *County Court to Provide Plat of County.*

The county court shall provide the county superintendent with a plat of the several school districts of his county. The county court shall also provide the county school superintendent with all necessary blanks, blank books, stationery, postage, expressage, supplies and requirements, not otherwise provided for, which shall be paid for from the general fund of the county. [L. 1905, p. 59, § 2.]

§ 400. *Vacancy in Office.*

In case of a vacancy in the office of the county superintendent, the county court of the county shall appoint some legally qualified person to fill the unexpired term. [L. 1905, p. 60, § 3.]

§ 401. *Application.*

The provisions of this act shall apply only to those counties having over twenty thousand children between the ages of four and twenty years, as shown by the last annual school census. [L. 1905, p. 60, § 4.]

RULES AND REGULATIONS

For the general government of public schools and for the maintenance of discipline therein, made in pursuance of Section 8 Subdivision 3, Oregon School Laws.

REVISED BY THE STATE BOARD OF EDUCATION, MARCH 1, 1909.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

APPEALS.

RULE I.

In all trials before a district board of directors the clerk of said district shall furnish the defendant, in writing, a copy of the charges preferred against him, and also the time and place where the matter at issue will be tried; *provided*, that at least five days shall elapse between the time that the defendant shall receive said notice and the date of trial. In all such trials the board shall have authority to hear and receive testimony for either party, and for that purpose may subpoena witnesses and administer oaths if necessary; and the defendant shall have an opportunity to be heard in person or by an attorney.

RULE II.

Any person aggrieved by any decision or order of the district board of directors in any matter of law or of facts (pertaining to his school district) may, within ten days after the rendition of such decision or the making of such order, appeal therefrom to the school superintendent of the county; *provided, further*, that this right of appeal shall be open to all in relation to all school difficulties and complications occurring in school districts.

RULE III.

The basis of the proceeding shall be a notice of appeal, filed by the party aggrieved with the county superintendent, within the time for taking the appeal.

RULE IV.

Notice of appeal shall set forth the errors complained of in a plain and concise manner.

RULE V.

The county superintendent shall, within ten days after the filing of such notice of appeal in his office, notify the clerk of the proper district, in writing, of the taking of such appeal, and the latter shall, within ten days after being thus notified, file in the office of the county superintendent a complete transcript of the record and proceedings relating to the decision complained of, which transcript shall be certified to be correct by the clerk of the district.

RULE VI.

After the filing of the transcripts aforesaid in his office, the county superintendent shall notify, in writing, the appellant and all other parties to the proceeding of the time and place where the matter of appeal will be heard by him.

RULE VII.

At the time fixed for the hearing, both the appellant and the respondent shall have an opportunity to be heard, either in person or by attorney, but no evidence shall be considered by said superintendent, except that produced before the board of directors from which the appeal is taken. After hearing such argument, the county superintendent shall make such decision as may be just and equitable, and when the aforesaid decision has been made he shall immediately notify all parties to the proceeding of his decision.

RULE VIII.

An appeal may be taken from the decision of the county superintendent to the Superintendent of Public Instruction, in the same manner as provided for taking appeals from the district board to the county superintendent, as nearly as applicable, except that the Superintendent of Public Instruction shall give twenty days' notice of the hearing of the appeal to the appellant and all other parties to the proceeding, and the decision when made shall, so far as the school department is concerned, be final. The right of appeal shall apply to all cases, except as hereinafter provided, and in any case of sufficient importance the Superintendent of Public Instruction may bring the matter before the State Board of Education for determination. The county superintendent, having acted as trial judge in the original hearing, shall in no way be considered a party to the appeal.

TEACHERS' EXAMINATIONS.

RULE IX.

Two (2) members of the examining board shall constitute a quorum for the transaction of business.

RULE X.

Applicants shall not be admitted to the examination who were absent at its opening.

RULE XI.

No applicant shall be allowed to leave the room or communicate with any person during the examination, except by special permission of the one in charge of the examination.

RULE XII.

All applicants shall begin on a given subject at the same time, and no recess shall be taken until that subject is finished.

RULE XIII.

Applicants are required to answer in complete sentences, as far as practicable. Full credits will be given only when answers are correct in fact and in form.

RULE XIV.

No applicant shall be permitted to have a text-book in his possession during the hours of examination.

RULE XV.

All applicants must endorse their papers with their numbers and the name of the subject and date of examination; and all entries on the record book, kept by the county superintendent for this purpose, shall be made on these numbers only. The names of the applicants shall not be entered upon the register until the close of the examination, but shall, with the number and the name, be entered at the beginning of the examination on blank cards, which shall be kept in a sealed envelope till the close of the examination.

RULE XVI.

No member of the board shall communicate to any one the standing of any applicant on any study during the examination.

RULE XVII.

All examination questions shall be forwarded by the State Superintendent to the several county superintendents, who shall have exclusive charge of said questions until the examinations commence. The questions shall be enclosed in sealed envelopes, which are not to be opened until the day fixed for the examination, and then only in the presence of the board of examiners and the class—all the applicants being seated and ready to begin their work. A member of the board shall hold the package of questions up before the class, to show that the seal has not been broken.

RULE XVIII.

Applicants are expected to note carefully the time set for the different branches and to present themselves at the time appointed for the branches in which they wish to be examined.

RULE XIX.

No applicant for a state paper shall place his name on an examination paper, and the State Superintendent shall submit no manuscript to the State Board of Examiners which contains the name of an applicant.

RULE XX.

The examiner shall give to each applicant for a state paper, at the beginning of the examination, a number, which number shall be placed on each half sheet in lieu of the applicant's name.

RULE XXI.

The applicant's name, number, and other information as may be required by the State Board of Education, shall be sent by the examiner to the State Superintendent in a sealed envelope, which shall not be opened until the day set for the meeting of the State Board of Education, and then only in the presence of the State Board of Education.

RULE XXII.

Applicants for state certificates will be allowed trials at three consecutive sessions of the State Board of Examiners in which to complete the examination. Applicants holding state certificates, issued subsequent to February 1, 1908, will be allowed one trial at any session of the State Board of Examiners, during the validity of the certificate held, in which to complete the examination for a state diploma. During the limits herein fixed re-examination will not be required upon the branches in which a satisfactory standing has been attained.

RULE XXIII.

Examinations for state papers will be held in the several counties, commencing at 9 o'clock on the second Wednesday of February and August, and continuing three days.

RULE XXIV.

Every applicant, before receiving his certificate, must subscribe to the following:

I do hereby certify that prior to this examination I had no knowledge of the questions proposed, and have neither given nor received any aid during the progress of the same. _____.

RULE XXV.

In examinations for permits, the county superintendents shall not use the same questions as at the last preceding public examination, but questions of the same grade and number shall be used.

RULE XXVI.

Examinations of teachers shall in every case be conducted, as far as possible, in writing; and the questions and answers, indorsed with the candidate's name and the date of examinations, shall be filed in the office of the county superintendent and kept as a part of its permanent records for one year.

RULE XXVII.

County superintendents must require all applicants for teachers' certificates who are not personally known to them to be of good moral character, to present satisfactory written testimonials to that effect from two or more persons of respectable standing. Such testimonials shall be filed with the examination papers, and shall remain in the office of the superintendent for one year.

RULE XXVIII.

The county superintendent is hereby authorized to convene the county board of examiners, for the purpose of hearing appeals, conducting public examinations, or for the consideration of all questions that may advance the best interests of the public schools in his county. The meetings of the board shall be held at such time and place in the county as may be deemed most expedient by the county superintendent.

RULE XXIX.

In every instance where an appeal is taken from the decision of the county superintendent, the appellant shall give due notice (in writing) to the county superintendent of his intention in the premises similarly and within the same time as specified for school district appeals in Rule II. Within ten days after such notice has been received, the county superintendent may cause the county board of examiners to be convened for the purpose of hearing the appeal. The county superintendent may require the attendance of the appellant and all important witnesses, in case the same is deemed advisable for the more intelligent and equitable examination of the appeal. Copies of written testimony, affidavits, etc., pertaining to the examination of the appeal, shall be kept on file in the office of the county superintendent.

RULE XXX.

In case the applicant intends to appeal to the Superintendent of Public Instruction, he shall, within ten days from the date of receiving notice of the result of his examination, notify the Superintendent of Public Instruction and the county superintendent of his intention. The basis of the appeal shall be a complaint, filed in writing, by the applicant with the Superintendent of Public Instruction and the county superintendent, within the time for taking appeals. The complaint shall set forth the gradings complained of in a plain and concise manner, specifically stating the branch or branches and the answer or answers in which the applicant believes the county board of examiners has done

him an injustice. Within ten days after said notice has been filed with him, the county superintendent shall transmit to the Superintendent of Public Instruction the questions used at the examination, together with the candidate's answers thereto, and also such other information bearing on the case as he may deem pertinent. All such questions and manuscripts must be returned to the county superintendent as soon as the appeal is determined. After the manuscripts have been filed in his office, the Superintendent of Public Instruction shall notify, in writing, all persons interested of the time and place when the matter of the appeal will be heard by him. At the time thus fixed for the hearing, the Superintendent of Public Instruction shall hear and receive testimony for each party, and for that purpose may administer oaths, if necessary, and he shall make such decision as may be just and equitable, and, when the aforesaid decision has been made, he shall immediately notify all persons in interest of his decision.

RULE XXXI.

The Superintendent of Public Instruction shall have the right to grant certificates only upon appeal from county superintendents, and then only in case it appears that the county superintendent has done the candidate substantial injustice in the immediate examination and in the grade awarded by him; *provided*, that the Superintendent of Public Instruction may require the appellant to pass such additional examination on any or all the branches upon which the appeal is based as he may deem right and proper in the premises.

RULE XXXII.

The Superintendent of Public Instruction, in conjunction with the State Board of Examiners (or such of them as he may call to his assistance), shall have the right to decide all appeals from county superintendents relative to examinations set forth in Rules XXX and XXXI. No appeals shall be heard unless notice thereof, in writing, shall have been first given to the county superintendent by the person appealing within ten days from the date of the examination, nor unless a copy of such notice shall have been transmitted, with the papers relating to the case, to the Superintendent of Public Instruction.

TEACHERS.

RULE XXXIII.

The teachers in the public schools of the State may dismiss all pupils under eight years of age after a four hours' session each day, or, where that is not practicable, may allow to pupils of that age recesses of such length that the actual confinement in the schoolroom shall not exceed three hours and a half per day.

RULE XXXIV.

Teachers shall exercise watchful care and oversight over the conduct and habits of the pupils, not only during school hours, but also at the recesses and intermissions, and while going to and returning from school.

RULE XXXV.

It is expected that a strict and wholesome discipline will be constantly maintained in all public schools; but teachers are cautioned against displays of ill temper and undue severity in the schoolroom.

RULE XXXVI.

In any case of misconduct or insubordination, when the teacher deems it necessary for the good of the school, he may suspend a pupil,

and shall immediately notify the directors of the district thereof. The directors shall forthwith meet and consider the matter, and if they approve the action of the teacher and think the case calls for further punishment, they may expel the pupil from the school.

RULE XXXVII.

Teachers in the public schools shall, to the utmost of their ability, inculcate in the minds of their pupils correct principles of morality, and a proper regard for the laws of society, and for the government under which they live:

RULE XXXVIII.

Every public school teacher shall give vigilant attention to the temperature and ventilation of the schoolroom and shall see that the doors and windows are open at each intermission for the purpose of changing the atmosphere of the room. He shall require his pupils to take proper exercise, and shall encourage healthful play at recesses, but he shall strictly prohibit all dangerous and immoral games and amusements.

RULE XXXIX.

Teachers shall have the right, and it shall be their duty, within reasonable limits, to direct and control the studies of their pupils; to arrange them in proper classes, and to decide, subject to these rules, what and how many studies each shall pursue; *provided*, the said direction and control of studies and arrangements of classes shall be in accordance with the course of study prescribed by the State Board of Education.

RULE XL.

Teachers shall follow the state course of study prescribed by the State Board of Education.

RULE XLI.

Every teacher in the public schools shall carefully note, in a register prepared for that purpose, the attendance, standing, and classification of pupils; a copy of his programme; the point in the state course of study where each class began and closed, and such other data as the State Board of Education may require.

RULE XLII.

Every teacher in the public schools shall prepare, at the beginning of each term, a programme of daily exercises and recitations, and post the same in a convenient place in the schoolroom for the benefit of the school.

RULE XLIII.

Every teacher in the public schools shall be provided by the board of directors with a school register, in which he shall carefully note the attendance and standing of his pupils, and other data prescribed by the State Board of Education. At the close of the school the teacher shall deposit the same with the clerk of the district, who shall preserve the same, along with the other books and papers belonging to his office, for inspection.

RULE XLIV.

Teachers are authorized to require excuses from the parents or guardians of pupils, either in person or by written note, in all cases of absence or tardiness, or dismissal before the close of the school, and no excuse shall be deemed valid except that of sickness or necessary employment. The teacher shall be the judge of the sufficiency of excuses, subject to an appeal to the directors; *provided*, that the boards of

directors may, by formal adoption, change the character of the excuses, which shall be deemed valid in compliance with the powers of directors as set forth in Section 73 of the Oregon School Laws.

RULE XLV.

Whenever the unexcused absences of any pupil during any term shall amount in the aggregate to seven days, he shall be reported to the directors, and the teacher may suspend him until the opinion of the directors can be taken. For this purpose an unexcused absence or tardiness for half a day or less, or for more than one hour at any one time, shall be deemed a half day's absence; and such absence or tardiness for more than a half a day at one time shall be reckoned as an absence for a whole day; *provided*, that boards of directors may establish a less time of absence or tardiness as cause for suspension or expulsion, which shall be deemed valid in compliance with the powers of directors, as set forth in Section 73 of the Oregon School Laws.

RULE XLVI.

The names of those pupils of the public schools of this State who, at the close of any term, shall be found to have been neither absent nor tardy during the term, and who have maintained correct deportment, shall be inscribed by the teacher upon suitable rolls of honor and displayed in some prominent and safe place in the schoolroom.

RULE XLVII.

In all public schools in this State the teachers shall require of their pupils regular stated exercises in composition and declamation.

PUPILS.

RULE XLVIII.

No pupil shall be allowed to retain connection with any public school unless provided with books, slates, and other things required to be used in the classes to which he is assigned; but no pupil shall be excluded for this cause unless the teacher shall have given one week's previous notice to his parents or guardians of the articles needed. Indigent pupils may be supplied with books, etc., at the expense of the district, if the directors so order.

RULE XLIX.

Pupils affected with contagious diseases shall not be allowed to remain in any of the public schools.

RULE L.

Every pupil is required to attend school punctually and regularly; to conform to the regulations of the school, and to obey promptly all the directions of the teacher; to observe good order and propriety of deportment; to be diligent in study, respectful to teachers, and kind and obliging to schoolmates; to refrain entirely from the use of profanity and vulgar language, and to be clean and neat in person and clothing.

RULE LI.

That portion of these rules and regulations pertaining to the duties and privileges of teachers and pupils shall be read and explained by the teacher, in the presence of the school, at least once during each school term.

F. W. BENSON,
Governor and Secretary of State.
J. H. ACKERMAN,
Superintendent of Public Instruction.
State Board of Education.

DIRECTIONS FOR TEACHERS' REPORTS.

1. The number of pupils marked "R" does not include those marked "E." The "E" pupils are reported as "R" pupils from some other district in the State. (See Register.)

2. In your first report for year item (1) is blank. In each succeeding report item (1) is the same as item (5) of the previous month, and items (6) and (7) are increased respectively by divisions (a) and (b) of item (2).

3. To find the average number belonging, divide the sum of actual days' attendance and days' absence by the number of days taught.

4. To find the average daily attendance, divide the actual days' attendance by number of days taught.

5. To find per cent of attendance, divide average daily attendance by average number belonging.

6. Carry divisions to one decimal place only.

7. Fill out each blank space either with a number or a cipher.

8. All computations are to be based on the actual number of days taught exclusive of holidays.

9. Remember that items (6) and (7) increase but never decrease.

NOTE—If your school began on the second Monday of a report month (see calendar), you should report only for three weeks in first report; if it began on the third Monday, report only for two weeks; if it began on the fourth Monday, report only for one week.

At the end of the school year, or the end of the last term of the school year, the teacher then in charge must, in addition to the regular monthly report, make out a report covering the whole of the school year and mail a copy of the same to the county superintendent. For this purpose the monthly report blank shall be used changing "monthly" to "annual" and "month" to "year." For definition of "school year" see preface to register.

CHANNEY'S FIVE-YEAR REPORT CALENDAR FOR TEACHERS.

By permission of the author.

	1909	1910	1911	1912	1913
June	11	10	16	14	13
July	9	8	14	12	11
August	6	5	11	9	8
September	3	2-30	8	6	5
October	1-29	28	6	4	3-31
November	26	25	3	1-29	28
December	24	23	1-29	27	26
January	22	21	27	26	24
February	19	18	24	23	21
March	19	18	24	22	21
April	16	15	21	19	18
May	14	13	19	17	16

RULES FOR CONDUCTING EIGHTH-GRADE FINAL EXAMINATIONS

THROUGHOUT THE STATE OF OREGON

REVISED BY THE STATE BOARD OF EDUCATION
April 1, 1909.

1. The questions for the uniform examinations shall be based on the state course of study, and shall cover the following branches, viz: Arithmetic, civil government, geography, history, language, physiology and hygiene, reading, spelling and writing.

2. Examinations for graduates from the eighth grades shall be held, at the option of each county superintendent, in any three of the following months, viz: February, May, June and September; beginning at 9 A. M. on such days of said months as the Superintendent of Public Instruction may indicate, in accordance with the program prepared by the State Board of Education for eighth grade examinations.

3. Teachers having pupils who will have completed at the time of the last examination all of the work of the first eight grades as prescribed by the state course of study and who wish to take the uniform eighth grade examination shall notify the county superintendent in accordance with the following form:

Superintendent....., Oregon.

Dear Sir: This is to certify that the following named pupils of School District No., Oregon, will have completed, on or before 19....., all of the work of the first eight grades as prescribed by the State Course of Study, and have spent at least seven school months of work in each of the seventh and the eighth grades; hence, will be ready for the Eighth Grade uniform examination to be held at that time.

Teacher in School District No.
..... County, Oregon.

4. No pupil shall be entitled to enter the uniform eighth grade examination whose teacher has failed to notify the county superintendent in accordance with Rule 3; nor shall any pupil be entitled to enter such examination who has not spent at least seven school months of work in each of the seventh and eighth grades as prescribed by the state course of study.

5. No pupil shall be allowed to take the uniform eighth grade examination in any district other than the one in which he or she has completed the grade work without first securing the consent, in writing, of the county superintendent of the county in which the schoolhouse of such district is situated.

6. The district clerk of the district in which the examination is held shall certify to the county superintendent the name of the person chosen by the chairman of the board to conduct the examination.

7. The county superintendent shall transmit the uniform questions, sealed, to the person who is to conduct the examination with instructions

that the examination is to be conducted in accordance with the rules and regulations for eighth grade examinations, and no examiner is to use any questions except those received from the county superintendent of the county in which the examination is held.

8. The sealed envelopes containing the questions shall not be opened until the day fixed for the examination, and then only in the presence of the teacher and the class—all the applicants being seated and ready to begin work. The package containing the questions must be held up before the class to show that the seal has not been broken.

9. At the beginning of the examination the applicants' names and examination numbers shall be entered on a preliminary paper, sealed, and sent to the county superintendent with the examination papers.

10. All examinations shall be conducted by numbers, and applicants must indorse their papers with their numbers and the name of the subject, the name of the school or number of the district from which the applicant graduated, together with the date of the uniform examinations.

11. Applicants are not to copy the questions, but to number their answers to correspond with those of the questions.

12. All applicants shall begin a given subject at the same time, and no recess shall be taken until that subject is completed.

13. No applicant shall be allowed to leave the room or communicate with any person during the examination, except by special permission from the examiner.

14. No communication or reference books or memoranda shall be permitted during the examination.

15. At the close of the examination each applicant shall subscribe to the following:

I do hereby certify that prior to the examination I had no knowledge of the questions submitted, and have neither given nor received any aid during the progress of the same.

.....
(Applicant)

16. Within one day after the close of the examination the examiner shall mail the manuscripts, together with the preliminary papers, to the county superintendent.

17. The teacher shall certify to the county superintendent that the examination was conducted by the person duly appointed in accordance with the rules and regulations.

18. The county superintendent shall not unseal the envelopes containing the names and numbers till the manuscripts are graded.

19. The county superintendent shall not, under any circumstances, reveal to the persons assisting him in grading the papers, the names or numbers of the applicants until such grading is completed.

20. Pupils who shall reach an average of 80 per cent in all branches, and shall not fall below 70 per cent in any one branch, will be considered as having successfully passed the examination; *provided*, that when an applicant has failed in not more than two branches he shall be allowed to rewrite on the subjects in which he failed, at the following examination, and shall then, if he has secured the required percentages, receive an eighth grade diploma in accordance with the result of the two examinations.

21. The county superintendent shall present each applicant, who shall have successfully passed the uniform examination for graduates of eighth grade, with a diploma, signed by the county superintendent, by the principal of the school, and also by the chairman of the board; *provided*, that a county superintendent shall not sign any diploma unless the applicant has successfully passed the aforesaid examination.

SUGGESTIONS FOR USE OF SCHOOL OFFICERS.

SCHOOL MEETINGS.

1. Notice of all district meetings should be given as prescribed by law, and the object for which the meeting is called should be explicitly and minutely set forth.

2. The presiding officer is designated in Section 131 of the School Laws. It is his duty to call the meeting to order, and, on the appearance of a quorum, to proceed to business.

3. The clerk of the district is *ex officio* secretary of the meeting, and it is his duty to record all motions voted upon by the meetings; also, all items of importance to the district should be noted, the minutes being completed, if possible, and presented to the meeting prior to adjournment. All minutes should be properly recorded and preserved in the district record book.

4. The chairman of the meeting should preserve order, and he may speak on points of order in preference to other members. He decides all points and questions of order, subject to an appeal to the meeting by motion regularly made and seconded, and no other business shall succeed until the question on appeal has been determined. The form of putting a question on appeal is as follows: "Shall the decision of the chair stand as the judgment of the meeting?" The chairman may vote on an appeal. No second appeal should be entertained until the original appeal is disposed of.

5. The chairman should put all questions clearly in order, but he should not put irregular motions or motions made at improper times.

6. All business coming before the meeting should be in the form of a written resolution, order, or motion. This is regular and will aid the clerk in keeping accurate minutes.

7. The chairman, in putting a question, should rise in his place and distinctly state the motion. All questions should be put in the order in which they are moved. After a motion is stated by the chairman it is in the possession of the meeting, to be disposed of by vote. The question may be withdrawn by the mover, pending discussion, before a decision is reached, or before an amendment is offered, except a motion to reconsider.

8. No member is entitled to address the meeting except under a pending motion which has been seconded, or by special privilege, or rule of the meeting.

9. No member is entitled to speak more than twice upon the same question, except by special permission of the meeting.

10. The following motions take precedence over all others: The motion to adjourn, the motion to lay on the table, the motion for the previous question, the motion to postpone. These several motions are not debatable.

11. The motion to adjourn is first in order, and always in order; but having once failed it should not be repeated until other business has been transacted.

12. The motion to lay on the table is a temporary one; its main purpose usually is to secure time for consideration before the previous question is ordered.

13. The previous question is disposed of as follows: The chairman demands, "Shall the main question be now put?" After it is moved the motion is not debatable.

14. Indefinite postponement is the last motion before the vote in passing or rejecting any proposition.

15. Members have an equal right to the floor, and when two or more rise at once the chairman names the one entitled to speak; *provided*, that no member should be allowed to speak more than once until other members have been granted the same privilege.

16. No member speaking should be interrupted by another, except by rising to call to order.

17. Any member may call for a "division" of a question, when the sense will admit of it, and the chairman should decide this, generally, without appeal.

18. The unfinished business of any meeting should have preference at any meeting immediately subsequent. The usual rule in this case seems to be that all questions relating to the priority of business to be acted upon shall be decided without debate.

19. No rule or order should be dispensed with, altered, or repealed unless two-thirds of the members present consent thereto.

20. To prevent hasty and inconsiderate action on matters which may not be well understood at once, and perhaps to prevent long and irrelevant debate, every motion, order, or resolution offered by the members should be reduced to writing prior to the presentation to the secretary or meeting.

SCHOOL ARCHITECTURE.

In view of the fact that over one hundred and twenty schoolhouses have been erected annually for the last six years in this State, it has been thought useful to school patrons and school officers to suggest some approved plans in school architecture.

As the Superintendent of Public Instruction is frequently consulted personally, and also by letter, relative to plans for district schoolhouses, the addition here made will, in a measure, meet this general want.

Reports of the leading school systems in the United States have been carefully examined, and, in addition to this, valuable suggestions have been received from eminent architects in this State.

COUNTRY SCHOOLS.

LOCATION.

1. It is assumed that the school district has been accurately surveyed, and the metes and bounds recorded. Without this the choice must be, to some extent, guesswork. The location should be as near as may be convenient to the geographical center of the district; but reference must be had to the roads by which it can be reached and the impediments that may lie in the way. In rural districts the geographical center, when access is easy, should be preferred to the center of population, because the latter is liable to change.

SITE.

2. Hollows and the edges of swamps should be avoided. Hilltops are also objectionable. A moderate elevation, from which the ground slopes in all directions, is to be preferred. A piece of woods, which would shelter the house from the prevalent winds of winter, is a great protection; but no trees should be allowed to stand within fifty feet of the building.

ORIENTATION.

3. This question has not yet been settled by theorists. So much depends on the location and the site, and the kind of building that is

erected, that no general rule can be given. Considering that the country schoolhouse is usually closed for about four months in summer, it will generally be most convenient to have the house built so that pupils may sit facing the north; the windows should then be on the east and west sides.

PLANS AND SIZE.

4. Let us, for the sake of simplicity, confine our attention to the country schoolhouse, with one teacher and an attendance of from twenty to fifty pupils. In such schoolhouse more than two-thirds of the people of the United States have received and will receive their elementary education. A square house is objectionable. The length should be about one-third greater than the width. This gives room for the teacher's platform and for a recitation bench, and places the desks in a square block in front of the teacher. There should be at least twelve square feet of floor space for each pupil. The ceiling should be twelve and a half feet in average height; this will allow each pupil one hundred and twenty cubic feet of air space, and under no circumstances should there be less than this amount. A house twenty-four by eighteen feet, inside measurement, will accommodate twenty-two pupils; a house twenty-eight by twenty-one will accommodate forty pupils; twenty-four by thirty-two, fifty pupils. It is advisable to build a house large enough for an attendance one-fourth larger than the number usually going to school in the district. The new house attracts better teachers, and the double attraction secures more pupils.

WARDROBES OR CLOAKROOMS.

5. A place for depositing the outer garments in safety and in an orderly manner is a necessity in even the cheapest and smallest schoolhouses. Such a place is often obtained by building a vestibule in front of the house. This arrangement improves the external appearance of the house, but it is comparatively costly and not free from other objections. The cheapest and best plan in a house of only one room is to cut off from the south side of the room two small cloakrooms, one for the boys and one for the girls. The pupils' entrance is by a door leading into the small passage between these two closets. There is no door to the closets; an arched doorway always open exposes the interior of the closets at all times to the eye of the teacher, whose desk is in the north side of the house. These closets should be furnished with suitable clothes hooks and with shelves to hold lunch baskets.

PLASTERING.

6. As most of the country schoolhouses are closed during nearly half the year, the plastering is apt to be affected by the damp. The walls should be wainscoted to the height of four feet from the floor. If the rest of the wall were sheathed with wood of a lighter color than the wainscoting and the ceiling covered with the same material, it would be found much better than plaster, more ornamental, more durable and not so much more expensive.

OUTBUILDINGS.

7. The health and comfort of teacher and pupils demand:

First—That a substantial woodshed be built and a sufficient supply of good fuel be placed therein at the beginning of each term.

Second—Common decency always demands that water-closets be provided and placed in the opposite rear angles of the school yard, or in some other convenient situation.

Gravel, plank, or brick should be laid from the schoolhouse to these buildings. The advantages of placing these closets in easy and con-

venient communication with the schoolroom are numerous. The fierce winds in winter, the wet and soft grounds in fall and spring are dangerous exposures to delicate children in leaving a hot room, and who are compelled to traverse the length of the playground through mud and water to a mean and miserable shed through which the wind constantly and freely blows. The water-closets should be simple and substantial in construction, and not too large. Two feet and a half room is ample for each child, and never under any circumstance should there be two seats in the same inclosure. Each seat should be in an inclosure by itself, and the screens between each one should be six feet in height or more. In very many delicate and nervous children nature refuses to perform its usual functions, however great the necessity, in the presence of others or under unaccustomed circumstances, and a decent privacy in the school conveniences is necessary to save such from daily pain, and more often serious consequences. The promiscuous arrangement and condition of the ordinary school privileges urgently demand that these necessary appliances should receive at least as much care as the other circumstances of school life.

APPARATUS.

8. Globes, charts, numeral frames, outline wall maps, ink, paper, text-books, cube and square root blocks, are necessary appliances for the efficient management of every school.

FURNITURE.

9. Among the indispensable articles of furniture are a few chairs, a teacher's table, blackboard and crayons, a clock, a dictionary, a water pail and cups, pointers, erasers, brooms and brushes. Each school should be furnished with a closet in which the movable property may be secured.

BLACKBOARDS.

10. Backboards should extend entirely around schoolroom. Have the top about six and one-half feet from floor. For use of young children the boards should reach to within two feet of floor. The height of boards to be determined by the age and size of children that occupy the different rooms. Slate boards are noisy and expensive. Wooden boards are also noisy and unsatisfactory. Paper or artificial slate boards are the most satisfactory. There are several manufactures of this kind of blackboard, and it would be well for the school committee to get samples from each before selecting.

HOW TO MAKE PAPER BLACKBOARDS.

11. (a) When a new building is to be erected, let the walls be plastered in the usual manner, except that the final coat, instead of being composed only of lime-putty and plaster of paris, should contain also sufficient good sharp sand to make a very hard surface, and it must be troweled till perfectly smooth.

(b) When the plaster is fully dry it is ready for the paper. Select manila paper of medium thickness, not thick, having a good smooth calendared surface. Spread the paper cut to the appropriate size on a clean floor, and wet it with cold water, using a clean whitewash brush; apply good cooked flour paste (cold), lay the paper on the wall and smooth it down with a brush, as in ordinary paper-hanging. A soft cloth can be used instead of a brush. Nail a neat moulding around the edge.

(c) When dry apply any good slating, and the next day rub the slating with fine sandpaper. Apply two or three coats in the same

manner, rubbing each coat as the first. If the slating is of good quality, the boards, though constantly used, will not need to be reslated within two or three years. It is probably economy to apply three or four coatings of slating at first, as it will prove far more durable. Old cement boards or slated walls, if they are reasonably solid, may be cheaply converted into good boards by first filling smoothly any cracks and holes by a mixture of lime-putty and plaster of paris, and then applying paper, as described above. Paper will not adhere to thick coats of whitewash. If old walls are loose and shaky, they should be replaced by new ones and then papered as in new walls.

(d) Boards should not be washed, but can be well cleaned with a piece of dry flannel.

(e) If the erasers are made of a material which will hold the dust and they are dusted every day by striking them against a board out of doors, there will not be very much annoyance from crayon dust.

LIGHTING.

12. Special attention should be given to the size and location of windows. Quality and mountings of glass should be in a manner that will not interfere with the transmission of light by casting shadows. All windows should be high and all windows covered by shades for controlling the light so that the supply of light may come from above and not from below. The light should not be sparingly admitted and it should not be too strong to be trying on the eyes. The light supply should be located so as not to come from opposite directions and desks should be arranged so that the light will come from above and from the left side. Clear glass free from flaws and irregularities is best calculated to transmit light. Tinted or colored glass should not be used in the schoolroom.

SUGGESTIONS ON THE SCHOOL BUILDING.

13. After an inspection of hundreds of rural school buildings, I am convinced that more defects are to be found in the arrangements for lighting and ventilating than in any other respect. The average school patron does not realize the importance of these points, and too often the teacher is negligent concerning them.

When pupils are sluggish, inattentive, or irritable, there is cause to believe that the air is not so pure, or the light not so good, as it should be.

The admission of fresh air into the room without causing a draft is often a problem hard to solve. If the matter is given the proper attention during the construction of the building it will save much worry and trouble.

The two floor joists (sleepers) that pass under the place where the stove is to be set should be carefully ceiled on the under side; a hole cut in the weatherboarding above the sill at the end of this flue as long as the joists are apart and as wide as the joists. This hole should be covered with wire gauze. A hole should be cut in the floor just under the stove about eight inches square. This should also be covered with wire gauze. This air box, if constructed as suggested above, will be eight or ten inches deep and one and a half or two feet wide. It should be perfectly airtight under the house so that dust or foul air from under the house would not be drawn into it.

If no air leaves the room none can enter; therefore it is necessary to provide a vent for the escape of the impure air. Hot air rises

and if this opening is made in the overhead ceiling, the cold air in parts of the room not near the stove will remain unchanged and not heated. The carbonic acid gas which is given off by the pupils in breathing is heavier than air and if the escape vent is not near the floor this foul gas will not be removed, although pure air may be passing through the room.

At the gable end of the room, sheet two studs with tin, or tar paper. The plate should be cut out between these two studs and the box continued to within two feet of the comb. Here an opening should be made in the weatherboarding as large as the space enclosed between the studs. The tin or paper on the inside should be pulled across and attached to the weatherboarding just above this hole.

At the floor the baseboard should be cut out between these two studs. The holes at each end of this flue should be protected with wire gauze to keep out birds and rats. If this flue is not made airtight on the sides, the cold air rushing through the cracks of the weatherboarding will prevent its taking the air from the room.

Around the stove should be a sheet-iron jacket, a foot higher than the stove, and from six to twelve inches from its sides all around. As the air inside this jacket is heated and rises, the air from the flue underneath rushes up to take its place and be heated. The air in the room is pressed down, and being warmer than the air outside, causes a draft through the opening in the baseboard at the end of the room.

It is not extra cost to have the windows so arranged that the rooms of building may be properly lighted and ventilated; but only a small per cent are so arranged.

The windows may be as far as three feet from the floor, but they should reach within a foot of the ceiling. The upper sash should be hung with weights or on hinges. In most schoolrooms the space above the tops of the windows is one-fourth or more of the space in the room. Only when the air in this space is cooler than that on the outside will it descend and pass out the openings.

The doors should be sufficient in number and size to equal in area one-fourth to one-fifth of the floor space. Even more than this per cent should be provided if the room is more than half as high as it is wide. Eleven feet is high enough for a room twenty-five feet wide.

Under no circumstances should windows be at the end of the room toward which the pupils face when seated. If only one side is lighted, so arrange the seats that the light comes to the left side of the pupil.

If possible the room should be so located that the pupils seated shall face north. All maps should be hung on the north wall. This is especially important in the arrangement of rooms for primary grades.

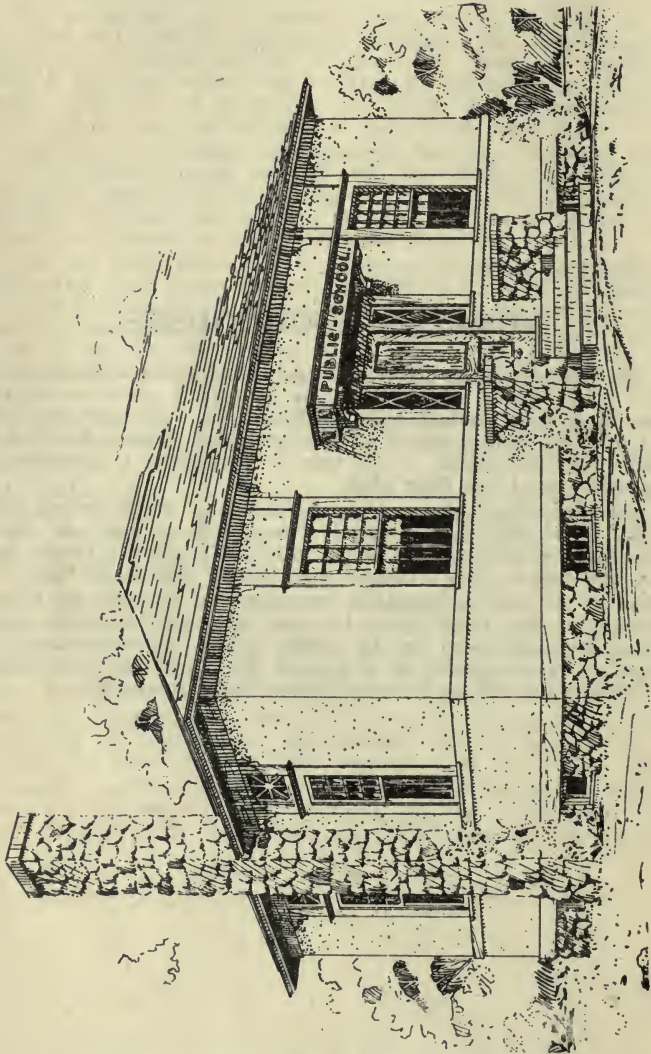
RURAL SCHOOLHOUSES.

For the use of school officers, I am including in this edition some plans for rural school buildings. The first is a plain which secured the prize in a state contest held in Wisconsin. Through the courtesy of Mr. Geo. Wm. Bruce, editor of the American School Board Journal, who loaned me the plates, I am able to reproduce a drawing of the building and one of the floor plan.

For the other floor plans, I am indebted to State School Commissioner W. B. Merritt of Georgia. The one-room plan as shown by Plate III. may be used when it is the intention to have a larger building within a few years. The proposed addition is shown by Plate V.

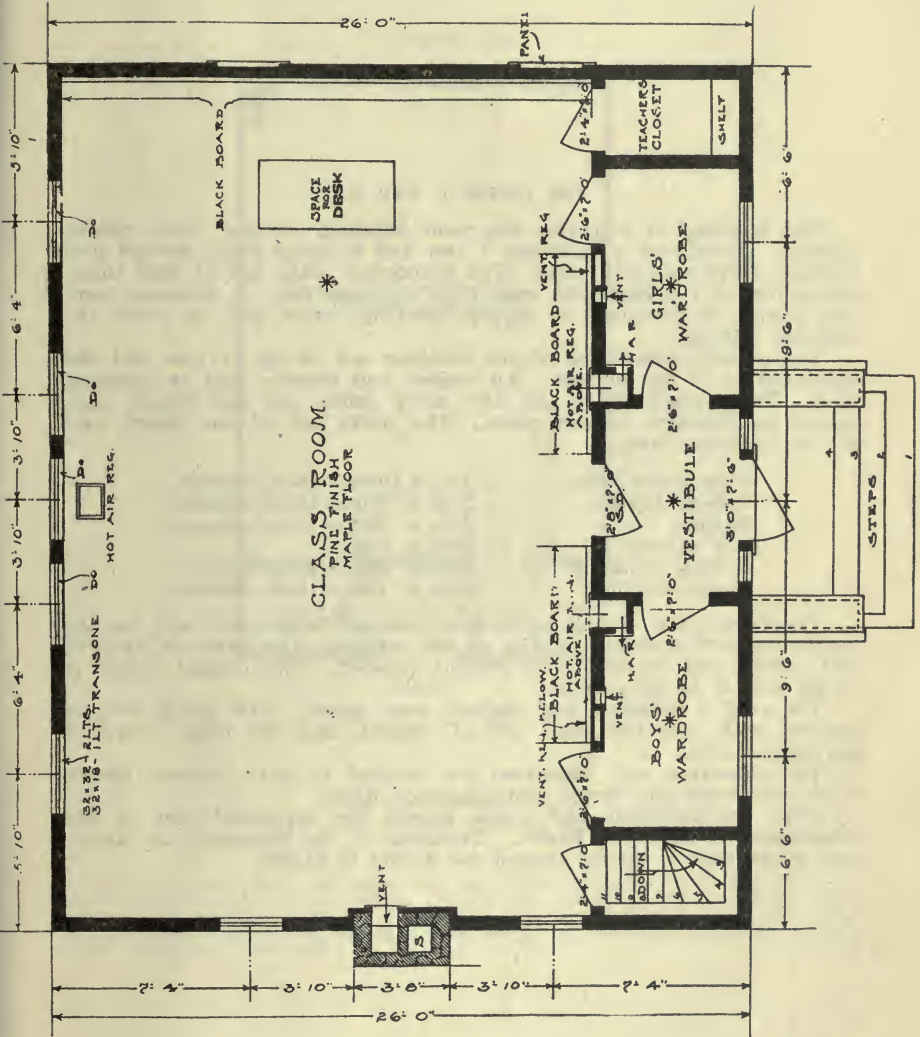
Section 50 of this compilation provides that it shall be illegal for any district of the third class to erect a school building until the plans have been approved by the county school superintendent. Those reproduced here are given in the hope that they may be helpful to school directors as well as to county school superintendents.

PLATE I.



Courtesy of the American School Board Journal.

PLATE II.



Floor plan for Plate I.

FOR PLATES I. AND II.

The building is a frame one-room building, covered with cement plaster. It includes a basement 7 feet and 6 inches high, divided into furnace, toilet and playrooms. The foundation walls are of field stone, surrounded at the base with open joint drainage tile. A Kewanee tank and pump are installed to supply drinking water and to serve the sanitary fixtures.

The outside dimensions of the building are 26 by 32 feet and the classroom is 31 by 20 feet. All timber and lumber used is seasoned pine. The girders under the first story joists are 8x8 inches, supported by 8x8-inch wooden posts. The joists are of one length and of the following sizes:

First story joists	2-in. x 10-in.—16-in. centers.
Ceiling joists	2-in. x 6-in.—16-in. centers.
Rafters	2-in. x 6-in.—16-in. centers.
Hip rafters	2-in. x 8-in.
Outside studding	2-in. x 4-in.—16-in. centers.
Inside studding	2-in. x 4-in.—16-in. centers.

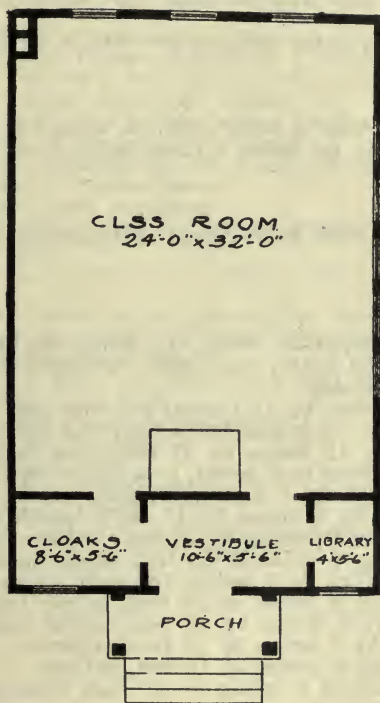
The framework of the building is covered with wood lath on the inside and with matched fencing on the outside. The latter is stripped and lathed and covered with cement plaster. The cement finish is rough and is to be painted.

The roof is shingled and stained moss green. The porch roof is covered with tin; the steps are of cement, and the ridge board is galvanized iron.

The classroom and cloakroom are finished in hard plaster, tinted, birch woodwork and doors, and hardwood floors.

With the basement and water supply the estimated cost of the schoolhouse is \$2,500 to \$3,000. Exclusive of the basement, the architect states that it can be erected for \$1,000 to \$1,800.

PLATE III.



FLOOR PLAN
MODEL ONE ROOM RURAL SCHOOL
HOUSE

It is intended that the seats face the door; the light then falls on the back and left side of the pupil. Where the windows are placed in both sides of the room, it makes a cross light that is very injurious to the eyes. If the light comes from the right side, it throws a shadow on the pupil's work, when he is writing.

PLATE III.

Bill of material for room, without tower, small roof ventilator or porch.

(From North Carolina Pamphlet of School Plans.)

The quantities called for in the following bills of material are (unless otherwise mentioned) based on the construction shown by the working plans and details, and any variation from this construction will change the quantities required.

For 9-inch foundation walls, vent and smoke flues for rooms A and B:
10,400 brick.

10 barrels lime.

10 yards sand.

If 13-inch piers are used in place of 9-inch walls for foundation and only vent and smoke flues for Room A built, deduct from the above—

5,200 brick.

5 barrels lime.

5 yards sand.

For plastering side walls and ceilings in classroom and vestibule—
4,000 lath.

8 barrels lime.

4 yards sand.

5 bushels hair.

1 wire guard (for fresh air duct), 12 inches by 14 inches.

1 japanned iron register (for vent flue), 12 inches by 12 inches.

1 sheet iron stove thimble.

204 lineal feet, 6 inches by 12 inches, for sills and girders.

52 pieces, 2 inches by 12 inches by 14 feet, first floor joists.

8 pieces, 2 inches by 12 inches by 17 feet; first floor joists.

170 lineal feet, 1½ inches by 3 inches, joist bearer on sills and girders.

290 lineal feet, 1 inch by 4 inches, bridging.

120 pieces, 2 inches by 6 inches by 13 feet; outside studding.

44 pieces, 2 inches by 6 inches by 10 feet; outside studding.

22 pieces, 2 inches by 4 inches by 12 feet, gable studding.

420 lineal feet, 2 inches by 6 inches, for wall plates.

28 pieces, 2 inches by 6 inches by 27 feet, ceiling joists.

8 pieces, 2 inches by 6 inches by 17 feet, ceiling joists.

36 pieces, 2 inches by 6 inches by 20 feet, rafters.

12 pieces, 2 inches by 6 inches by 12 feet, rafters.

26 pieces, 1½ inches by 8 inches by 14 feet, king post and struts
for main roof.

52 pieces, 1½ inches by 6 inches by 10 feet, king posts and struts
for main roof.

3,000 feet, ⅞ inch, surfaced sheathing.

1,200 feet, 1 inch by 4 inches, surface shingling strips.

400 lineal feet, ⅞ inch by 2 inches, grounds.

8 pieces, 1¼ inches by 4½ inches by 14 feet, corner casings.

4 pieces, 1¼ inches by 4½ inches by 11 feet, corner casings.

80 lineal feet, 1½ inches, quarter round.

2 angle beads, 1¼ inches by 1¼ inches by 11 feet.

2,375 feet, 5½ inches, resawed weatherboarding.

4 rolls, 2,000 square feet, water-proof building paper.

140 lineal feet water table.

28 pieces, ⅞ inch by 12 inches by 14 feet, for gables.

400 lineal feet, ⅞ inch by 2 inches, O. G. battens for gables.

190 lineal feet, each member main cornice.

70 lineal feet, each member, coat-room and vestibule cornice.

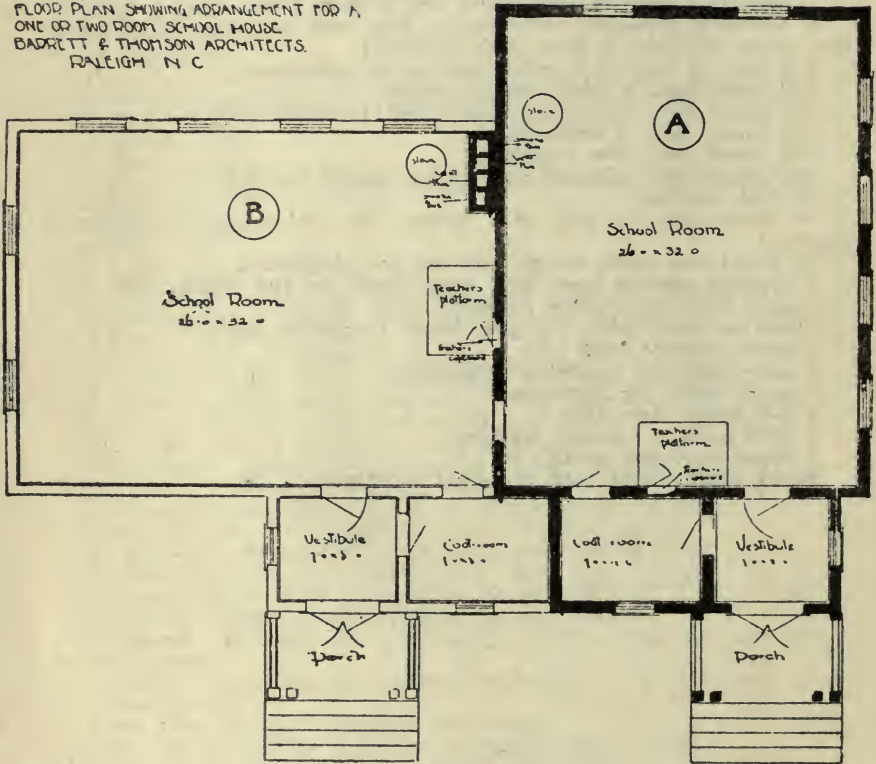
12 pieces, 1¼ inches by 4½ inches by 10 feet, for outside steps.

4 pieces, ⅞ inch by 7½ inches by 10 feet, for outside steps.

- 1 piece, 2 inches by 14 inches by 12 feet, for outside steps.
- 15,000 shingles.
- 1,200 feet, $\frac{7}{8}$ inch by $2\frac{1}{2}$ inches, flooring.
- 6 class-room window (with transoms) frames, sash, glass and trim.
- 1 coat-room window frame, sash, glass and trim.
- 1 vestibule window frame, sash, glass and trim.
- 2 gable slat ventilators.
- 1 outside double entrance door frame (with transom), door and one side trim.
- 1 class-room door frame (with transom), door and two sides trim.
- 2 coat-room door frames, doors and 2 sides trim.
- 1 teacher's cupboard, door frame, door and one side trim. (See floor plans for size of doors and windows.)
- 560 feet, $\frac{3}{4}$ inch by 3 inches, ceiling for coat-room.
- 150 lineal feet, $\frac{3}{4}$ inch, quarter round.
- 128 lineal feet wainscoting, cut 2 feet 10 inches long.
- 128 lineal feet, 8 inches base.
- 128 lineal feet, base moulding.
- 128 lineal feet, moulded cap. (See details for style.)
- 40 feet flooring.
- 16 lineal feet, $\frac{7}{8}$ inch by 7 inches, rise and scotia for teacher's platform.
- 40 lineal feet chalk trough and cap for blackboard.
- 1 cylinder mortise knob lock, three keys, top and bottom bolt.
- 3 pair butts for outside doors.
- 3 mortise knob locks, $4\frac{1}{2}$ pair butts, for inside doors.
- 1 small mortise knob lock.
- 1 pair butts for teacher's cupboard.
- 7 pairs butts for transoms.
- 1 1-3 dozen sash lifts.
- 8 sash locks, 7 transom workers.
- 8 dozen wardrobe hooks.
- Sash, weights and cord for eight windows.

PLATE IV.

FLOOR PLAN SHOWING ARRANGEMENT FOR A
 ONE OR TWO ROOM SCHOOL HOUSE
 BARRITT & THOMSON ARCHITECTS.
 RALEIGH N. C.



The floors in all school buildings should be made double, should be perfectly matched, and when completed should be treated with oil.

PLATE IV.

Bill of material for room B.

NOTE: In this bill no allowance is made for old material saved in making the additions. Deduct amount saved.

For 9-inch foundation walls—

5,800 brick.

6 barrels lime.

6 yards sand.

If piers are used deduct—

4,000 brick.

4 yards sand.

8 barrels lime.

4 yards sand.

For plastering side walls and ceilings in class-room and vestibule—

4,000 lath.

4 barrels lime.

5 bushels hair.

1 wire guard (for fresh air inlet), 12 inches by 14 inches.

1 japanned iron register (for vent flue), 12 inches by 12 inches.

1 sheet iron thimble.

130 lineal feet, 6 inches by 12 inches, for sills and girders.

52 pieces, 2 inches by 12 inches by 14 feet, first floor joists.

8 pieces, 2 inches by 12 inches by 17 feet, first floor joists.

170 lineal feet, 1½ inch by 3 inches, joist bearer.

290 lineal feet, 1 inch by 4 inches, bridging.

94 pieces, 2 inches by 6 inches by 13 feet, outside studding.

36 pieces, 2 inches by 6 inches by 10 feet, outside studding.

12 pieces, 2 inches by 4 inches by 12 feet, gable studding.

260 lineal feet, 2 inches by 6 inches, for wall plates.

28 pieces, 2 inches by 6 inches by 27 feet, ceiling joists.

8 pieces, 2 inches by 6 inches by 17 feet, ceiling joists.

48 pieces, 2 inches by 6 inches by 20 feet, rafters.

12 pieces, 2 inches by 6 inches by 12 feet, rafters.

26 pieces, 1½ inches by 8 inches by 14 feet, king posts and struts
for main roof.

52 pieces, 1½ inches by 6 inches by 10 feet, king posts and struts
for main roof.

2,450 feet surface sheathing.

1,500 feet, 1 inch by 4 inches, surface shingling strips.

400 lineal feet, ⅝ inch by 2 inches, grounds.

4 pieces, 1¼ inch by 4½ inches by 14 feet, corner casings.

2 pieces, 1¼ inch by 4½ inches by 11 feet, corner casings.

70 lineal feet, quarter round.

1 angle bead, 1¼ inches by 1¼ inches by 11 feet.

1,800 feet, 5½ inches, resawed weatherboarding.

3 rolls, 1,500 square feet, water-proof building paper.

110 lineal feet water table.

14 pieces, ⅞ inch by 12 inches by 14 feet, for gables.

200 lineal feet, ¾ inch by 2 inches, O. G. battens for gables.

120 lineal feet, each member, main cornice.

60 lineal feet, each member, coat-room and vestibule cornice.

12 pieces, 1¼ inches by 4½ inches by 10 feet, for outside steps.

4 pieces, ⅞ inch by 7½ inches by 10 feet, for outside steps.

1 piece, 2 inches by 14 inches by 12 feet, for outside steps.

13,500 shingles, 72 lineal feet, 14 inches, valley tin.

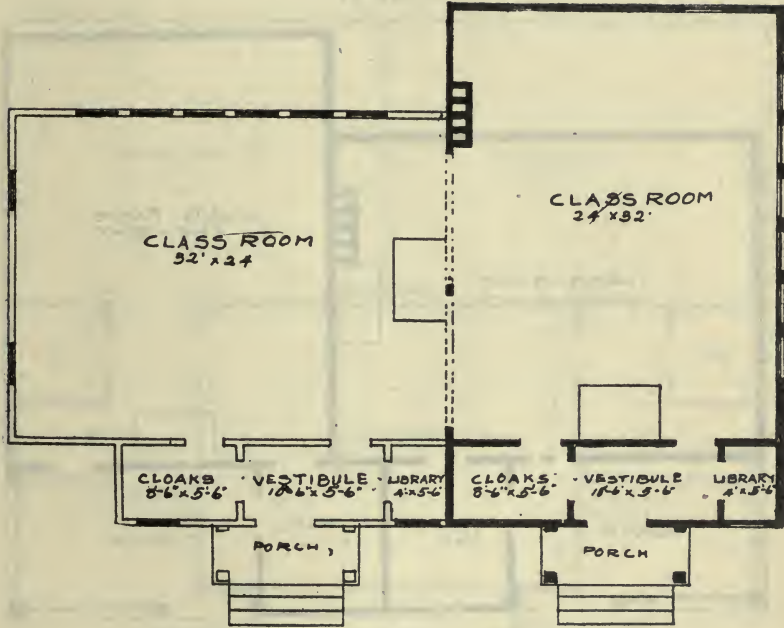
1,200 feet, ⅞ inch by 2½ inches, flooring.

6 class-room window (with transoms) frames, sash, glass and trim.

1 coat-room window, frame, sash, glass and trim.

- 1 vestibule window, frame, sash, glass and trim.
- 1 gable slat ventilator.
- Weights and cord for eight windows.
- 1 outside double entrance door frame (with transom), doors and one side trim.
- 2 class-room door frames (with transom), door and 2 sides trim.
- 2 coat-room door frames, doors and 2 sides trim.
- 1 teacher's cupboard, door frame and 1 side trim.
- (See floor plans for size of doors and windows.)
- 560 feet, $\frac{3}{4}$ inch by 3 inches, ceiling for coat-room.
- 150 lineal feet, $\frac{3}{4}$ inch, quarter round.
- 128 lineal feet, wainscoting, cut 2 feet 10 inches long.
- 128 lineal feet, 8-inch base.
- 128 lineal feet base moulding.
- 128 lineal feet moulding cap.
- (See details for styles.)
- 40 feet flooring.
- 16 lineal feet, $\frac{7}{8}$ inch by 7 inches, riser and scotia for teacher's platform.
- 40 lineal feet chalk trough and cap for blackboard.
- 1 cylinder mortise knob lock, three keys, top and bottom bolt.
- 3 pairs butts for outside doors.
- 4 mortise knob locks.
- 6 pairs butts for inside doors.
- 7 pairs butts for transoms.
- 1 small mortise knob lock, 1 pair butts for teacher's cupboard.
- 1 1-3 dozen sash lifts.
- 8 sash locks, 7 transom workers.
- 8 dozen wardrobe hooks.

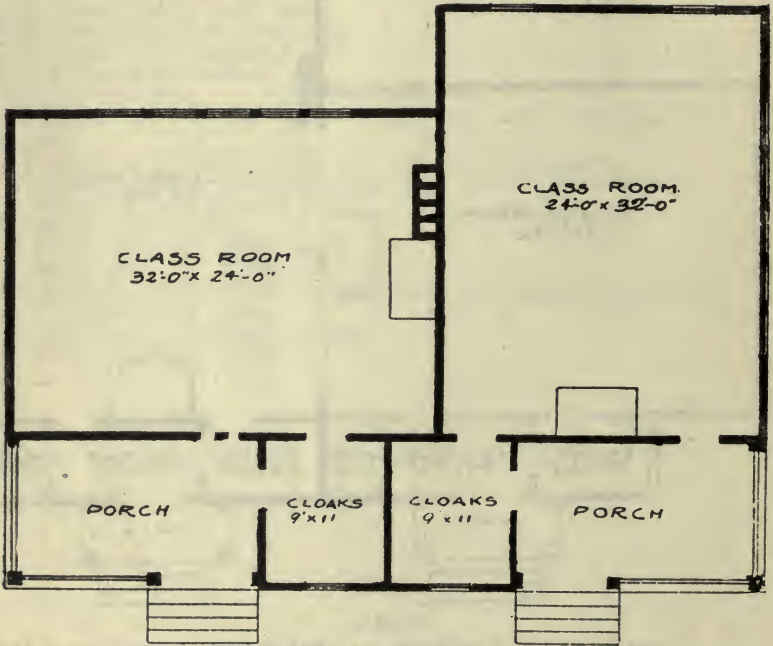
PLATE V.



PLAN
PROPOSED ADDITION TO ONE ROOM SCHOOL HOUSE

School officers should see that the schoolhouse has a good foundation, either of brick or stone. It is poor economy to neglect this matter.

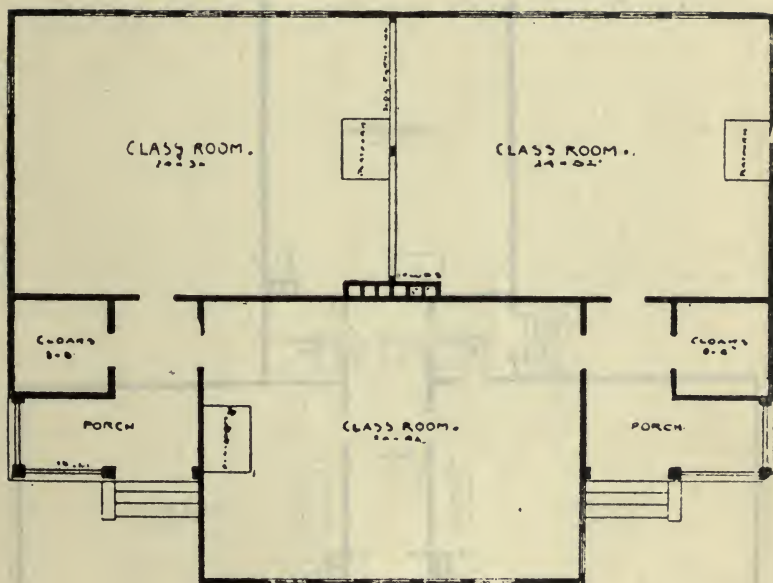
PLATE VI.



FLOOR PLAN:
MODEL TWO ROOM SCHOOL HOUSE

Special attention is called to the lighting of these rooms. The windows are placed high, and the light comes to the pupil from the back and left side only.

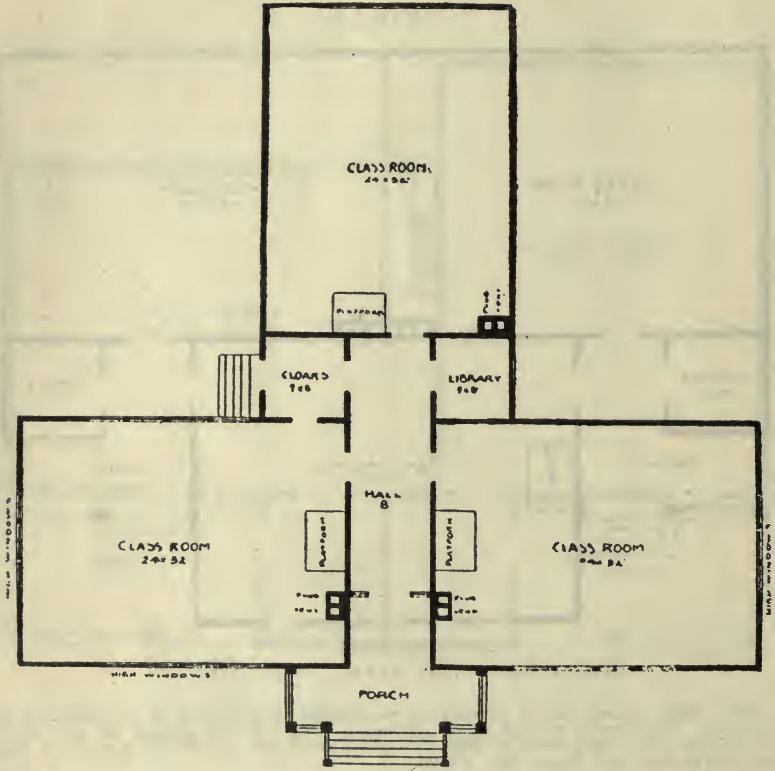
PLATE VII.



· FLOOR · PLAN ·
· MODEL THREE ROOM RURAL SCHOOL HOUSE :

The cloak rooms should receive as much care in finishing as any part of the building. The hooks should be so arranged that the wet cloaks do not touch. If a thick shelf is placed at the proper height, and the hooks placed in this, the cloaks will not touch the walls.

PLATE VIII.



• FLOOR PLAN •
MODEL THREE ROOM RURAL

The tendency today is to construct one-story buildings. There is much less noise and confusion, but this is only one of many good reasons for having the schoolrooms all on the ground floor.

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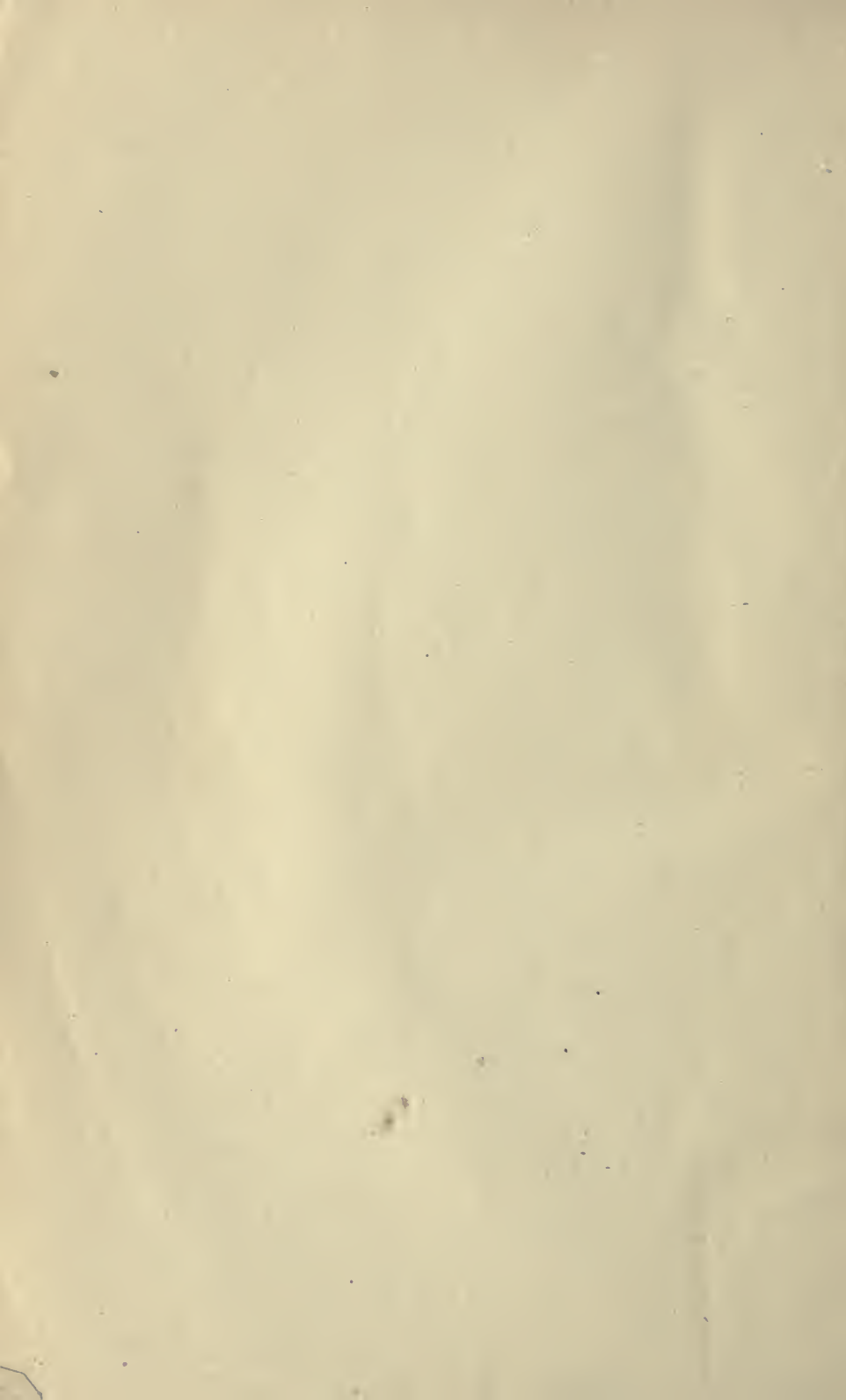
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